# Free Speech Zones Aff

### Notes

* Do NOT standardize highlighting
* Need better answers to impact turns
* Add Ahmed to 1AC (replace Smith?)
* Extend Ahmed – "their authors can't account for neolib making the environment worse now"
* Tech can't solve quick enough

#### What is neoliberalism?

Monbiot 16 – George, columnist for The Guardian, has held visiting fellowships or professorships at the universities of Oxford (environmental policy), Bristol (philosophy), Keele (politics), Oxford Brookes (planning), and East London (environmental science), 2016 (“Neoliberalism – the ideology at the root of all our problems,” *The Guardian*, April 1st, Available Online at https://www.theguardian.com/books/2016/apr/15/neoliberalism-ideology-problem-george-monbiot)

So pervasive has neoliberalism become that we seldom even recognise it as an ideology. We appear to accept the proposition that this utopian, millenarian faith describes a neutral force; a kind of biological law, like Darwin’s theory of evolution. But the philosophy arose as a conscious attempt to reshape human life and shift the locus of power. Neoliberalism sees competition as the defining characteristic of human relations. It redefines citizens as consumers, whose democratic choices are best exercised by buying and selling, a process that rewards merit and punishes inefficiency. It maintains that “the market” delivers benefits that could never be achieved by planning. Attempts to limit competition are treated as inimical to liberty. Tax and regulation should be minimised, public services should be privatised. The organisation of labour and collective bargaining by trade unions are portrayed as market distortions that impede the formation of a natural hierarchy of winners and losers. Inequality is recast as virtuous: a reward for utility and a generator of wealth, which trickles down to enrich everyone. Efforts to create a more equal society are both counterproductive and morally corrosive. The market ensures that everyone gets what they deserve. We internalise and reproduce its creeds. The rich persuade themselves that they acquired their wealth through merit, ignoring the advantages – such as education, inheritance and class – that may have helped to secure it. The poor begin to blame themselves for their failures, even when they can do little to change their circumstances. Never mind structural unemployment: if you don’t have a job it’s because you are unenterprising. Never mind the impossible costs of housing: if your credit card is maxed out, you’re feckless and improvident. Never mind that your children no longer have a school playing field: if they get fat, it’s your fault. In a world governed by competition, those who fall behind become defined and self-defined as losers. Neoliberalism has brought out the worst in us Among the results, as Paul Verhaeghe documents in his book What About Me? are epidemics of self-harm, eating disorders, depression, loneliness, performance anxiety and social phobia. Perhaps it’s unsurprising that Britain, in which neoliberal ideology has been most rigorously applied, is the loneliness capital of Europe. We are all neoliberals now.

## 1AC Materials

### 1AC – Neolib

#### By regulating appropriate "space and time," free speech zones make any student protest meaningless

Crocker 7 [Thomas Crocker (Assistant Professor, University of South Carolina School of Law. J.D., Yale; Ph.D., Vanderbilt), "Displacing Dissent: The Role of "Place" in First Amendment Jurisprudence," Fordham Law Review, 2007] AZ

Because where we speak is often just as important as what we say, increased efforts by the government to restrict the location of speech threaten to undermine the guarantees of the First Amendment. The Supreme Court's current free speech doctrine permits the imposition of reasonable time, place, and manner restrictions on speech without raising constitutional concerns. 7 Government officials have seized upon this doctrinal permissiveness to develop practices that suppress and control the content of speech by regulating the place of speech. Such suppression and control is most (in)visible in the case of political dissent. Dissent or political protest is expressed most effectively in public, especially at places where government officials-above all the President-appear. To convey a message of dissent is to convey no message at all if it is spoken where no other persons-much less the targeted government officials-can hear or see the message. It is precisely this aim-the elimination of dissenters' ability to appear as dissent to specific audiences-that has been the object of much recent regulation. Regulation of place has stifled political dissent by creating special "protest zones" at presidential appearances, 8 by deploying free speech cages at national party conventions, 9 and by designating large areas of urban centers as "restricted zones."10 More generally, officials control or displace speech by establishing university "free speech zones,"' I limiting mass protests such as those in New York against the Iraq War,12 and restricting use of sidewalks, 1 3 malls, 1 4 and airports. 15 The simple regulation of place has made dissent effectively invisible, practically pointless, and criminally dangerous. For example, when President George W. Bush visited Columbia, South Carolina, in 2002, Brett Bursey sought to welcome him with a sign that read "No War for Oil.' 16 Standing among others who were waiting to greet the President without messages of dissent, Bursey was ordered by officials to remove himself to a designated protest zone three quarters of a mile away and out of sight of the President. 17 When he refused, he was arrested, charged with violating 18 U.S.C. § 1752,18 and later convicted of violating Secret Service restrictions on a person's presence where the President is temporarily visiting. 19 Bursey was not singled out simply because he wished to convey a message of dissent, but because he wished to convey a message of dissent in a particular place and in the presence of other persons standing along a roadway to greet the President as he passed. By the simple regulation of place, government officials succeeded in suppressing dissent.20 Many commentators lament the decline of the public sphere brought about by the increased organization of modem life.21 Quite apart from rising concerns over security, modem life has diminished the role of traditional places where the public might gather and mingle, such as town greens, parks, sidewalks, and pedestrian streets.22 Justice Anthony Kennedy has noted this problem: "Minds are not changed in streets and parks as they once were. To an increasing degree, the more significant interchanges of ideas and shaping of public consciousness occur in mass and electronic media."'23 Although the Internet provides a vibrant new forum for discursive practices, there is a countervailing worry that the ability to select content to an ever more refined degree will lead to greater social fragmentation. 24 Moreover, the Internet does not provide for serendipitous occasions to encounter others face-to-face or to discover the new or the strange in both a social and public setting.25 Trends of modem life and government regulation of public fora have led to the disappearance of meaningful public discourse, dissent, and protest from the public sphere. Thus, the combination of the physical displacement of traditional public spheres with the strategic disruption of political protest provides ample reason to question whether the bland treatment of place in the Court's current First Amendment jurisprudence appropriately protects, let alone enables, the values of free speech.

#### Zoning is reminiscent of the McCarthy Era and the faults of COINTELPRO – repression cloaked in the law – and gives authorities the power to construe civil disobedience as domestic terrorism, especially in this post-9/11 era.

Mitchell 03 - Don Mitchell, Distinguished Professor of Geography at Syracuse’s Maxwell School: 2003 (“The Liberalization of Free Speech: Or, How Protest in Public Space is Silenced” Stanford Agora Vol. 4 p.43-45 Available at agora.stanford.edu/agora/volume4/articles/mitchell/mitchell.pdf Accessed on 12/11/16)IG

As the preceding argument has indicated, the liberalization of free speech has not always been progressive. And it has not been progressive in both senses of the term. It has not marched steadily forward, uninterrupted, towards the shining light of freedom, to become ever more liberal, ever more just. Rather, to the degree it has been liberalized, this has occurred in fits and starts, with frequent steps backwards or to the side rather than forward. Like any social history, that is, the history of free speech is not a linear one of ever-expanding enlightenment; like any social history it is a history of ongoing struggle. Nor has it been progressive in the sense of necessarily more just, as a close focus on the geography of speech makes clear. Geographical analysis has shown that what sometimes appears as a progressive reinforcement of a right to speech and assembly is really (or is also) in fact a means towards its suppression.169

Nonetheless, whatever rights have been won, have been won through struggle and often not by following the law, but by breaking it. Civil disobedience, by labor activists and other picketers, by civil rights marchers, by anti-war protesters, and by Free Speech activists (as with the Free Speech Movement in Berkeley in the sixties), has forced often illiberal theories of speech and assembly to be reconsidered. But against these struggles has to be set a history of governmental recidivism: the Palmer raids and Red Scare of 1919-1920, the Smith Act of 1940, the McCarthy era, and the antics of COINTELPRO in the 1960s and 1970s, are just a few of the more well-known moments of repression, often cloaked in law and justified as urgent “legitimate state interests” at a time when serious challenges were being made to the “established order” or when other exigent factors induced panic within the government and the public at large. The history of speech and assembly, that is, can be told as an on-going struggle against recurring illiberalism.

We are, most likely, now reentering an illiberal phase, and if I am right that civil disobedience has always been necessary to winning and securing rights to assembly and speech, there is a great deal to be deeply concerned about. For the closing off of space to protest has made civil disobedience all the more necessary right at the moment when new laws make civil disobedience not just illegal, but potentially terroristic. The witch’s brew of Supreme Court spatial regulation of speech and assembly and new antiterrorism laws portends deep trouble for those of us who think we have a duty as well as a right to transform our government when we think it is in the wrong, a duty and a right for which street protest is sometimes the only resource.

Within six weeks of the terrorist attacks of September 11, 2001, Congress had passed, and the President signed into law, the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act).170 Among its many provisions, the Act defines as domestic terrorism, and therefore covered under the Act, “acts dangerous to human life that are in violation of the criminal laws,” if they “appear to be intended … to influence the policy of a government by intimidation or coercion” and if they “occur primarily within the territorial jurisdiction of the United States.”171 As Nancy Chang argues:

Acts of civil disobedience that take place in the United States necessarily meet three of the five elements in the definition of domestic terrorism: they constitute a “violation of the criminal laws,” they are “intended … to influence the policy of a government,” and they “occur primarily within the territorial jurisdiction of the United States.” Many acts of civil disobedience, including the blocking of streets and points of egress by nonviolent means during a demonstration or sit-in, could be construed as “acts dangerous to human life” that appear to be intended to influence the policy of a government “by intimidation or coercion,” which case they would meet the crimes remaining elements…. As a result, protest activities that previously would most likely have ended with a charge of disorderly conduct under a local ordinance can now lead to federal prosecution and conviction for terrorism.172

As the space for protest has become more and more tightly zoned, the likelihood that laws will be broken in the course of a demonstration – a demonstration seeking to “influence a policy of government” – increases. And, of course, the very reason for engaging in a demonstration is to coerce, even if it is not to directly “intimidate.” One should not be sanguine about the “or” placed between intimidate and coerce. It means just what it says: coercion or intimidation will be enough for prosecution.173 Now even civil disobedience can be construed as an act of terrorism.

The intersection of the new repressive state apparatus being constructed in the wake of September 11 with nearly a century of speech and assembly “liberalization” portends a frightening new era in the history of speech and assembly in America. We may soon come to long for those days when protest in public space was only silenced through the strategic geography of the public forum doctrine.

#### This geography implies that speech becomes dangerous and thus illegal as it becomes effective – that necessarily means effective protest become illegal and what’s left is empty.

Mitchell 03 - Don Mitchell, Distinguished Professor of Geography at Syracuse’s Maxwell School: 2003 (“The Liberalization of Free Speech: Or, How Protest in Public Space is Silenced” Stanford Agora Vol. 4 p.9-14 Available at agora.stanford.edu/agora/volume4/articles/mitchell/mitchell.pdf Accessed on 12/11/16)IG

The Gitlow decision, and after it the appeals court decision regarding William Epton,31 referenced Holmes’s words in Schenck, and tried to determine just what constituted a “clear and present danger.” But “the future embraced the Holmes of Abrams rather than the Holmes of Schenck.”32 In his dissent in Abrams, Holmes wrote this:

[W]hen men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by the free trade in ideas – that the best test of truth is the power of the thought to get itself accepted in the market, and that truth is the only ground upon which their wishes can safely be carried out. That at any rate is the theory of our Constitution. It is an experiment, as all life is an experiment. Every year if not every day we have to wager our salvation upon some prophesy based upon imperfect knowledge. While that experiment is part of our system I think therefore we should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe fraught with death, unless they so imminently threaten immediate interference with the lawful and pressing purposes of the law that an immediate check is required to save the country.33

As remarkable and stirring as that passage is, it is also deeply problematic. Its liberal foundation, for example, has no means to recognize differences in power – or even in access to the market, powers that, as we have come to know so well in the current era of media communication, can be absolutely determinant of who can speak and who can be heard.34

As importantly, and as I have explored in detail in other work,35 it is problematic because it puts into place – by implication in Holmes’s own words, but later made explicit in a whole series of cases36 – a distinction between speech and conduct. Even “First Amendment absolutists,” like Justice Hugo Black saw nothing wrong with the regulation of peaceful rallies if their conduct interfered with some other legitimate interest.37 This conduct could be widely interpreted.38 For most of the first half of the twentieth century, conduct that could be prohibited included the mere act of picketing. Courts upheld numerous injunctions against picketing on the basis that the conduct it entailed was necessarily either violent or harassing.39 Indeed, in one famous case in the 1920s, Chief Justice William Taft wrote of picketing, that its very “persistence, importunity, following and dogging” offended public morals and created a dangerous nuisance.40 The problem with picketing, Taft thought, was twofold. First, through its combination of action and speech, it tried to convince people not to enter some establishment; second, it tended to draw a crowd.41 To the degree it did both – that is, to the degree that is successfully communicated its message – it interrupted business and, in Taft’s eyes, undermined the business’s property rights, and therefore could be legitimately enjoined.42 Speech was worth protecting to the degree that is was not effective. Not until the 1940s did the Court begin to recognize that there might be an important speech right worth protecting in addition to the unprotected conduct.43

There is an additional result of Holmes’s declaration about the value of speech in Abrams. Whereas the First Amendment is silent on why speech is to be protected from Congressional interference,44 Holmes makes it clear that the protection of speech serves a particular purpose: improving the state.45 Indeed, he quickly admits that speech likely to harm the state can be outlawed.46 And neither he nor the Court ever moved away from the “clear and present danger” test of Schenck.47 Speech, Holmes argues, is a good insofar as it helps promote and protect the “truth” of the state.48 There is a large amount of room allowed here for criticism of the state, but it can still be quieted by anything that can reasonably construed as a “legitimate state interest” (like protecting the property rights of a company subject to a strike).49 According to the Gitlow Court (if not Holmes, who did not see in Gitlow’s pamphlet enough of a clear and present danger), any speech that “endanger[s] the foundations of organized government and threaten[s] its overthrow by unlawful means” can be banned.50 Note here that speech does not have to advocate the overthrow of government; rather, it can be banned if through its persuasiveness others might seek to overthrow the government.51 On such grounds all manner of manifestos, and many types of street speaking, may be banned. And more broadly, as evidenced in picketing cases like American Steel Foundries, a similar prohibition may be placed on speech that, again through its persuasiveness (e.g. as to the unjustness of some practice or event) rather than through direct exhortation, may incite people to violence. Of course, speech (and its sister right, assembly), must take place somewhere and it must implicate some set of spatial relations, some regime of control over access to places to speak and places to listen.52 Consequently, the limits to speech, or more accurately the means of limiting speech, become increasingly geographic beginning in utopian. 13

1939 in the case Hague v. CIO, when the Supreme Court finally recognized that public spaces like streets and parks were necessary not only to speech itself but to political organizing.53 The problem is not always exactly what is said, but where it is said. At issue in Hague was whether the rights to speech and assembly extends to the use of the streets and other public places for political purposes, and in what ways that use could be regulated. The Court based its decision in a language of common law, arguing that “[w]herever the title of the streets and parks may rest, they have immemorially been held in trust for use of the public and, time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions.”54 But whatever the roots for such a claim may be in common law, it hardly stands historical scrutiny in the United States, where the violent repression of street politics has always been as much a feature of urban life as its promotion.55 That makes Hague v. CIO a landmark decision: it states clearly for the first time that “the use of the streets and parks for the communication of views on national questions may be regulated in the interest of all … [but] it must not, in the guise of regulation, be abridged or denied.”56 At the same time, the Court made it clear that protected speech in public spaces was always to be “exercised in subordination to the general comfort and convenience, and in consonance with peace and good order….”57 The question, then, became one of finding the ways to regulate speech (and associated conduct) such that order – and even “general comfort” – was always maintained.

The answers to that question were spatial. They were based on a regulation of urban geography in the name of both “good order” and “general comfort” and of the rights to speech and assembly. Speech rights needed to be balanced against other interests and desires. But order and comfort, it ought to go without saying, suggest a much lower threshold than does “clear and present danger.” While recognizing in a new way a fundamental right to speech and assembly, that is, the Hague court in fact found a language to severely limit that right, and perhaps even to limit it more effectively than had heretofore been possible. To put this another way (and as I will argue more fully below), the new spatial order of speech and assembly that the Court began constructing in Hague allowed for the full flowering of a truly liberal speech regime: a regime for which we are all, in fact, the poorer.

#### Education is increasingly driven by neoliberal forces – student activism is key to retake the political sphere and democratize elite education against market-driven logic

Williams 15 [Jo Williams (Lecturer, College of Education at Victoria University), "Remaking education from below: the Chilean student movement as public pedagogy," Australian Journal of Adult Learning, November 2015] AZ

More than ever the crisis of schooling represents, at large, the crisis of democracy itself and any attempt to understand the attack on public schooling and higher education cannot be separated from the wider assault on all forms of public life not driven by the logic of the market (Giroux, 2003:7) “Fin al lucro en educación, nuestros sueños no les pertenecen” (end profit making in education, nobody owns our dreams 1 ) (slogan of the Chilean student movement, inspired by the French student uprisings of May-June 1968) Over the past four decades, as the economic and ideological depravity of neoliberal policy and its market-driven logic (D. W. Hursh & Henderson, 2011) has been brought to bear on every aspect of education, the very concept of ‘public’ has been negated. Characteristics such as user-pays, competition, assaults on teachers, and mass standardised-testing and rankings, are among the features of a schooling, which is now very much seen as a private rather than public good (Giroux, 2003). The question of public education as a democratic force for the radical transformation of a violently unjust society seems rarely if ever asked, and a dangerous co-option and weakening of the language and practice of progressive pedagogy has occurred to the extent that notions of inclusion and success are increasingly limited to narrowly conceived individualist and competitive measures of market advantage. As Giroux notes “the forces of neo-liberalism dissolve public issues into utterly privatised and individualistic concerns (2004:62), and despite ongoing official rhetoric “the only form of citizenship increasingly being offered to young people is consumerism” (2003:7). Neoliberal education sees students and young people as passive consumers, the emphasis of schooling on learning how to be governed rather than how to govern (Giroux, 2003:7). In such a context the space for a public pedagogy, based on challenging the hegemony of neoliberal ideology and aligned with collective resistance, appears limited at best. And yet, every day people, teachers, students and communities do engage in political struggle, enacting pedagogies that seek to unveil rather than continue to mask the political structures and organisation that ensures power remains in the hands of the few, and at the service of the few, at the expense of the rest of us. Giroux characterises public pedagogies as defined by hope, struggle and a politicisation of the education process. He argues for …a politics of resistance that extends beyond the classroom as part of a broader struggle to challenge those forces of neo-liberalism that currently wage war against all collective structures capable of defending vital social institutions as a public good (Giroux, 2003:14). Central to Giroux’s argument is the need for critical educators to look to, value, and engage in and with social movements as they emerge and develop as sites of resistance. To …take sides, speak out, and engage in the hard work of debunking corporate culture’s assault on teaching and learning, orient their teaching for social change, connect learning to public life [and] link knowledge to the operations of power (Giroux, 2004:77). He argues that “[p]rogressive education in an age of rampant neoliberalism requires an expanded notion of the public, pedagogy, solidarity, and democratic struggle” (Giroux, 2003:13), and that moreover, educators need to work against a “politics of certainty” and instead develop and engage in pedagogical practice that problematises the world and fosters a sense of collective resistance and hope (2003:14). A neoliberal vision of the ‘good citizen’ and ‘good student’ presumes passivity, acceptance of the status quo and an individualistic disposition. Critical pedagogues must seek out and embrace opportunities to support and celebrate collective political action, not only because it develops a sense of social and political agency but also because it constitutes a powerful basis for authentic learning and active and critical citizenship in an unjust world (Freire, 1970). The Chilean student movement stands as one such example of challenging and inspiring counter-practice and a reclaiming of pedagogy as political and public. For ten years students have filled Chile’s streets, occupied their schools and universities, and organised conferences, public Remaking education from below: the Chilean student movement as public pedagogy 499 meetings, political stunts, creative actions and protests. Students and young people have been at the centre of the largest and most sustained political action seen in Chile since the democratic movement of the 80s, which eventually forced out the Pinochet dictatorship. Despite global trends in the opposite direction, the Chilean students have fundamentally influenced a nationwide education reform program constituting significant changes to the existing system which has been described as an extreme example of market-driven policy (Valenzuela, Bellei, & Ríos, 2014:220). Most importantly, they have forced and led a nationwide dialogue on the question of education and social justice in Chile and an interrogation of the current, grossly inequitable and elitist model (Falabella, 2008). This article begins by reviewing the experiences of the Chilean student movement to date and offering a brief explanation of the historical development of the education system it seeks to dismantle. It then considers the movement as an example of public pedagogies, concluding with a discussion of how it might inform notions of radical educational practice and a return of the student and pedagogue as authentic and critical subjects.

#### The Role of the Ballot is to assume the role of an academic fighting neoliberalism to reclaim the academy and higher education. Objectivity is a lie placing an absolute truth where there is none to find except for the statement that neoliberalism is violent and uses normativity as a shield to hide their lies of oppression. Refuse that ethical criteria and embrace higher education’s true calling.

Giroux 13 (Henry, American scholar and cultural critic. One of the founding theorists of critical pedagogy in the United States, he is best known for his pioneering work in public pedagogy, “Public Intellectuals Against the Neoliberal University,” 29 October 2013, http://www.truth-out.org/opinion/item/19654-public-intellectuals-against-the-neoliberal-university)//ghs-VA

Increasingly, as universities are shaped by an audit culture, the call to be objective and impartial, whatever one's intentions, can easily echo what George Orwell called the official truth or the establishment point of view. Lacking a self-consciously democratic political focus, teachers are often reduced, or reduce themselves, to the role of a technician or functionary engaged in formalistic rituals, unconcerned with the disturbing and urgent problems that confront the larger society or the consequences of one's pedagogical practices and research undertakings. Hiding behind appeals to balance and objectivity, too many scholars refuse to recognize that being committed to something does not cancel out what C. Wright Mills once called hard thinking. Teaching needs to be rigorous, self-reflective, and committed not to the dead zone of instrumental rationality but to the practice of freedom, to a critical sensibility capable of advancing the parameters of knowledge, addressing crucial social issues, and connecting private troubles and public issues. In opposition to the instrumental model of teaching, with its conceit of political neutrality and its fetishization of measurement, I argue that academics should combine the mutually interdependent roles of critical educator and active citizen. This requires finding ways to connect the practice of classroom teaching with important social problems and the operation of power in the larger society while providing the conditions for students to view themselves as critical agents capable of making those who exercise authority and power answerable for their actions. Higher education cannot be decoupled from what Jacques Derrida calls a democracy to come, that is, a democracy that must always "be open to the possibility of being contested, of contesting itself, of criticizing and indefinitely improving itself."33 Within this project of possibility and impossibility, critical pedagogy must be understood as a deliberately informed and purposeful political and moral practice, as opposed to one that is either doctrinaire, instrumentalized or both. Moreover, a critical pedagogy should also gain part of its momentum in higher education among students who will go back to the schools, churches, synagogues and workplaces to produce new ideas, concepts and critical ways of understanding the world in which young people and adults live. This is a notion of intellectual practice and responsibility that refuses the professional neutrality and privileged isolation of the academy. It also affirms a broader vision of learning that links knowledge to the power of self-definition and to the capacities of students to expand the scope of democratic freedoms, particularly those that address the crisis of education, politics, and the social as part and parcel of the crisis of democracy itself. In order for critical pedagogy, dialogue and thought to have real effects, they must advocate that all citizens, old and young, are equally entitled, if not equally empowered, to shape the society in which they live. This is a commitment we heard articulated by the brave students who fought tuition hikes and the destruction of civil liberties and social provisions in Quebec and to a lesser degree in the Occupy Wall Street movement. If educators are to function as public intellectuals, they need to listen to young people who are producing a new language in order to talk about inequality and power relations, attempting to create alternative democratic public spaces, rethinking the very nature of politics, and asking serious questions about what democracy is and why it no longer exists in many neoliberal societies. These young people who are protesting the 1% recognize that they have been written out of the discourses of justice, equality and democracy and are not only resisting how neoliberalism has made them expendable, they are arguing for a collective future very different from the one that is on display in the current political and economic systems in which they feel trapped. These brave youth are insisting that the relationship between knowledge and power can be emancipatory, that their histories and experiences matter, and that what they say and do counts in their struggle to unlearn dominating privileges, productively reconstruct their relations with others, and transform, when necessary, the world around them.

#### Best data proves neoliberal civilization is unsustainable absent major structural changes

Ahmed 3/16 [Nafeez Ahmed (executive director of the Institute for Policy Research & Development). “Nasa-funded study: industrial civilisation headed for 'irreversible collapse'?” The Guardian. Published 3/14, Updated 3/16/14] AJ

A new study partly-sponsored by Nasa's Goddard Space Flight Center has highlighted the prospect that global industrial civilisation could collapse in coming decades due to unsustainable resource exploitation and increasingly unequal wealth distribution. Noting that warnings of 'collapse' are often seen to be fringe or controversial, the study attempts to make sense of compelling historical data showing that "the process of rise-and-collapse is actually a recurrent cycle found throughout history." Cases of severe civilisational disruption due to "precipitous collapse - often lasting centuries - have been quite common." The independent research project is based on a new cross-disciplinary 'Human And Nature DYnamical' (HANDY) model, led by applied mathematician Safa Motesharrei of the US National Science Foundation-supported National Socio-Environmental Synthesis Center, in association with a team of natural and social scientists. The HANDY model was created using a minor Nasa grant, but the study based on it was conducted independently. The study based on the HANDY model has been accepted for publication in the peer-reviewed Elsevier journal, Ecological Economics. It finds that according to the historical record even advanced, complex civilisations are susceptible to collapse, raising questions about the sustainability of modern civilisation: "The fall of the Roman Empire, and the equally (if not more) advanced Han, Mauryan, and Gupta Empires, as well as so many advanced Mesopotamian Empires, are all testimony to the fact that advanced, sophisticated, complex, and creative civilizations can be both fragile and impermanent." By investigating the human-nature dynamics of these past cases of collapse, the project identifies the most salient interrelated factors which explain civilisational decline, and which may help determine the risk of collapse today: namely, Population, Climate, Water, Agriculture, and Energy. These factors can lead to collapse when they converge to generate two crucial social features: "the stretching of resources due to the strain placed on the ecological carrying capacity"; and "the economic stratification of society into Elites [rich] and Masses (or "Commoners") [poor]" These social phenomena have played "a central role in the character or in the process of the collapse," in all such cases over "the last five thousand years." Currently, high levels of economic stratification are linked directly to overconsumption of resources, with "Elites" based largely in industrialised countries responsible for both: "... accumulated surplus is not evenly distributed throughout society, but rather has been controlled by an elite. The mass of the population, while producing the wealth, is only allocated a small portion of it by elites, usually at or just above subsistence levels." The study challenges those who argue that technology will resolve these challenges by increasing efficiency: "Technological change can raise the efficiency of resource use, but it also tends to raise both per capita resource consumption and the scale of resource extraction, so that, absent policy effects, the increases in consumption often compensate for the increased efficiency of resource use." Productivity increases in agriculture and industry over the last two centuries has come from "increased (rather than decreased) resource throughput," despite dramatic efficiency gains over the same period. Modelling a range of different scenarios, Motesharrei and his colleagues conclude that under conditions "closely reflecting the reality of the world today... we find that collapse is difficult to avoid." In the first of these scenarios, civilisation: ".... appears to be on a sustainable path for quite a long time, but even using an optimal depletion rate and starting with a very small number of Elites, the Elites eventually consume too much, resulting in a famine among Commoners that eventually causes the collapse of society. It is important to note that this Type-L collapse is due to an inequality-induced famine that causes a loss of workers, rather than a collapse of Nature." Another scenario focuses on the role of continued resource exploitation, finding that "with a larger depletion rate, the decline of the Commoners occurs faster, while the Elites are still thriving, but eventually the Commoners collapse completely, followed by the Elites." In both scenarios, Elite wealth monopolies mean that they are buffered from the most "detrimental effects of the environmental collapse until much later than the Commoners", allowing them to "continue 'business as usual' despite the impending catastrophe." The same mechanism, they argue, could explain how "historical collapses were allowed to occur by elites who appear to be oblivious to the catastrophic trajectory (most clearly apparent in the Roman and Mayan cases)." Applying this lesson to our contemporary predicament, the study warns that: "While some members of society might raise the alarm that the system is moving towards an impending collapse and therefore advocate structural changes to society in order to avoid it, Elites and their supporters, who opposed making these changes, could point to the long sustainable trajectory 'so far' in support of doing nothing."

#### Neoliberalism rips apart communal bonds to maintain the illusion that structural inequalities are individual problems – the impact is systemic victim-blaming, poverty, and violence.

Smith 12 [(Candace, author for Societpages, cites Bruno Amable, Associate Professor of Economics at Paris School of Economics) “Neoliberalism and Individualism: Ego Leads to Interpersonal Violence?” Sociology Lens is the associated site for Sociology Compass, Wiley-Blackwell’s review journal on all fields sociological] AT

There appears to be a link between neoliberalism, individualism, and violence. In reference to the association between neoliberalism and individualism, consider neoliberalism’s insistence that we do not need society since we are all solely responsible for our personal well-being (Peters 2001; Brown 2003). From a criminological standpoint, it is not hard to understand how this focus on the individual can lead to violence. According to Hirschi’s (1969) social control theory, for instance, broken or weak social bonds free a person to engage in deviancy. Since, according to this theory, individuals are naturally self-interested, they can use the opportunity of individualization to overcome the restraining powers of society. Bearing in mind neoliberalism’s tendency to value the individual over society, it could be argued that this ideology is hazardous as it acts to tear apart important social bonds and to thereby contribute to the occurrence of ego-driven crimes, including violent interpersonal crimes. Such a thought suggests that as neoliberalism becomes more prominent in a country, it can be expected that individualism and, as a result, interpersonal violence within that country will increase. When it comes to individualization, this idea is one of the fundamental aspects of neoliberalism. In fact, Bauman (2000:34) argues that in neoliberal states “individualization is a fate, not a choice.” As Amable (2011) explains, neoliberals have realized that in order for their ideology to be successful, a state’s populace must internalize the belief that individuals are only to be rewarded based on their personal effort. With such an ego-driven focus, Scharff (2011) explains that the process of individualization engenders a climate where structural inequalities are converted into individual problems.

#### Empirics confirm – neolib results in permanent war.

Klassen 15 – Jerome, Associate Lecturer in International Relations; Department of Conflict Resolution, Human Security, and Global Governance; McCormack Graduate School, 2015 (“Hegemony in Question: US Primacy, Multi-Polarity and Global Resistance,” Polarising Development–Introducing Alternatives to Neoliberalism and the Crisis, Pluto Press)

In the neoliberal period, a new structure of production, accumulation, and class and state formation emerged. With the end of Bretton Woods, the United States was able to run systematic trade deficits with Europe and Asia, which were forced to recycle dollar payments into US Treasury bonds or Wall Street securities. In the process, the dollar was saved as world money, capital controls were weakened in rival states, and the United States was able to run trade and government deficits. At the same time, Wall Street became the centre of global finance, and US firms gained access to new investment funds. Through these new modes of financialisation, the world economy was reconstituted under US centrality. President Reagan’s defeat of the US labour movement also paved the way for a new regime of ‘flexible accumulation’ in the US economy – one based on low wage, deskilled, racialised, gendered and part-time labour markets.

Alongside these economic shifts, the United States pursued an aggressive military policy. In Latin America, it backed military coups in Chile (1973) and Argentina (1986), and financed the Contras against the Sandinista government in Nicaragua. After the 1979 revolution in Iran, the United States established Rapid Deployment Forces in the Gulf, and supported Saddam Hussein’s invasion of Iran the following year. After the Soviet Union occupied Afghanistan, the United States also financed the mujahideen resistance to the communist government in Kabul. At the same time, Reagan supported South Africa’s invasion of Angola and labelled the African National Congress a terrorist organisation. Through these international proxy wars, the United States tried to weaken or defeat the anti-imperialist and anti-capitalist resistance of the 1970s and 1980s.

It is vital to recognise that, with the fall of the Soviet Union and the transition to capitalism in China, the last obstacles to US grand strategy fell by the wayside. Indeed, after 1990, the United States was able to achieve the fundamental goals of hegemonic liberalism: the globalisation of capital and preeminent power for the United States itself. As a sign of this project, the Defense Planning Guidance of the Bush I Administration called for a strategy to ‘[preclude] the emergence of any potential future global competitor’. To this end, the Quadrennial Defense Review of the Clinton Administration argued that the role of the US military is to ‘sustain American global leadership’, and to secure ‘uninhibited access to key markets, energy supplies and strategic resources’. In line with this, the National Security Strategy of the Bush II Administration aimed to ‘dissuade potential adversaries from pursuing a military build-up in hopes of surpassing, or equalling, the power of the United States’. Likewise, the National Security Strategy of the Obama Administration posits that the United States should ‘underwrite global security’ by ‘renewing American leadership’ and reviving the national economy as ‘the wellspring of American power’.

Across the governments of the post-Cold War period, then, a single strategy has been advanced – one of globalising capital and US primacy. To these ends, the United States has engaged in permanent war, intervening in countries such as Panama, Colombia, the former Yugoslavia, Iraq, Afghanistan, Pakistan, Haiti, Libya, Somalia, Yemen, Honduras, Venezuela and Syria. However, US strategy has been challenged, if not degraded, by new dynamics in the global political economy.

#### Student protests oppose neoliberalism in higher education, translating theory into praxis

Delgado & Ross 16 [Sandra Delgado (doctoral student in curriculum studies at the University of British Columbia in Vancouver, Canada) and E. Wayne Ross (Professor in the Faculty of Education at the University of British Columbia in Vancouver, Canada), "Students in Revolt: The Pedagogical Potential of Student Collective Action in the Age of the Corporate University" 2016 (published on Academia.edu)] AZ

As students’ collective actions keep gaining more political relevance, student and university movements also establish themselves as spaces of counter-hegemony (Sotiris, 2014). Students are constantly opening new possibilities to displace and resist the commodification of education offered by mainstream educational institutions. As Sotiris (2014) convincingly argues, movements within the university have not only the potential to subvert educational reforms, but in addition, they have become “strategic nodes” for the transformation of the processes and practices in higher education, and most importantly for the constant re-imagination and the recreation of “new forms of subaltern counter-hegemony” (p. 1). The strategic importance of university and college based moments lays precisely in the role that higher education plays in contemporary societies, namely their role in “the development of new technologies, new forms of production and for the articulation of discourses and theories on contemporary issues and their role in the reproduction of state and business personnel.” (p.8) Universities and colleges therefore, have a crucial contribution in “the development of class strategies (both dominant and subaltern), in the production of subjectivities, (and) in the transformation of collective practices” (p.8) The main objective of this paper is to examine how contemporary student movements are disrupting, opposing and displacing entrenched oppressive and dehumanizing reforms, practices and frames in today’s corporate academia. This work is divided in four sections. The first is an introduction to student movements and an overview of how student political action has been approached and researched. The second and third sections take a closer look at the repertoires of contention used by contemporary student movements and propose a framework based on radical praxis that allows us to better understand the pedagogical potential of student disruptive action. The last section contains a series of examples of students’ repertoires or tactics of contention that exemplifies the pedagogical potential of student social and political action. An Overview of Student Movements Generally speaking, students are well positioned as political actors. They have been actively involved in the politics of education since the beginnings of the university, but more broadly, students have played a significant role in defining social, cultural and political environments around the world (Altbach, 1966; Boren, 2001). The contributions and influences of students and student movements to revolutionary efforts and political movements beyond the university context are undeniable. One example is the role that students have played in the leadership and membership of the political left (e.g. students’ role in the Movimiento 26 de Julio - M-26-7 in Cuba during the 50’s and in the formation of The New Left in the United States, among others). Similarly, several political and social movements have either established alliances with student organizations or created their own chapters on campuses to recruit new members, mobilize their agendas in education and foster earlier student’s involvement in politics2 (Altbach, 1966; Lipset, 1969). Students are often considered to be “catalysts” of political and social action or “barometers” of the social unrest and political tension accumulated in society (Barker, 2008). Throughout history student movements have had a diverse and sometimes contradictory range of political commitments. Usually, student organizations and movements find grounding and inspiration in Anarchism and Marxism, however it is also common to see movements leaning towards liberal and conservative approaches. Hence, student political action has not always been aligned with social movements or organizations from the political left. In various moments in history students have joined or been linked to rightist movements, reactionary organizations and conservative parties (Altbach, 1966; Barker, 2008). Students, unlike workers, come from different social classes and seemly different cultural backgrounds. As a particularly diverse social group, students are distinguished for being heterogeneous and pluralists in their values, interests and commitments (Boren, 2001). Such diversity has been a constant challenge for maintaining unity, which has been particularly problematic in cases of national or transnational student organizations (Prusinowska, Kowzan, & Zielińska, 2012; Somma, 2012). To clarify, social classes are defined by the specific relationship that people have with the means of production. In the case of students, they are not a social class by themselves, but a social layer or social group that is identifiable by their common function in society (Stedman, 1969). The main or central aspect that unites student is the transitory social condition of being a student. In other words, students are a social group who have a common function, role in society or social objective, which is “to study” something (Lewis, 2013; Simons & Masschelein, 2009). Student movements can be understood as a form of social movement (LuesherMamashela, 2015). They have an internal organization that varies from traditionally hierarchical structures, organizational schemes based on representative democracy with charismatic leadership, to horizontal forms of decision-making (Altbach, 1966; Lipset, 1969). As many other movements, student movements have standing claims, organize different type of actions, tactics or repertoires of contention, 3 and they advocate for political, social or/and educational agendas, programs or pleas.

#### Free speech zones are a form of respectability politics that limits movements for racial equality

Gamble 16 [Joelle Gamble (Director of Roosevelt’s national network of emerging thinkers and doers), "Fighting for Black Lives—and Against the Rules of Political Expression," Roosevelt Forward, 7/14/2016] AZ

What happens when the ballot box doesn’t result in policies that address critical issues? Or, to frame the question differently, how can election results reflect the views of all Americans when so many cannot vote? As the Brennan Center reports, 17 states have rolled out new voter restriction laws ahead of the 2016 election. We are already seeing unconscionable levels of disenfranchisement of people of color, young people, and the elderly across the country. When traditional channels of political expression are insufficient to create change, other means become paramount. However, despite purporting to value free speech and assembly, the U.S. has rules that allow for bias and respectability politics to curb expression. For example, there are time, manner, and place restrictions on public protest. The state can curb protests deemed to be disorderly, unreasonably loud, or disruptive of traffic—including protests, like those of the Movement for Black Lives, directed against the state itself. The police discretion allowed here results in the kinds of arrests we saw in Baton Rouge over the weekend: Hundreds were arrested for things as simple as stepping off the sidewalk—by police wearing riot gear. Essentially, the central question is this: When the rules are inadequate for elevating a serious issue, when does breaking them become the right course of action? Americans have a very persistent belief that anyone who does not follow the rules should be discredited. But, we rarely stop to think about the circumstances under which the rules are insufficient for solving problems—or protecting lives. Instead, we subject protesters’ conduct to a litmus test of respectability and ask them to file calmly down a sidewalk. This only works if the political system is set up to acknowledge people’s voices when they participate through traditional means. But, as mentioned earlier, this is not the case—especially for people of color. When Black folks protest police brutality, instead of acknowledging the problem, prevailing powers instead divert the question to Black-on-Black crime. And when Black folks protest Black-on-Black crime, no one reports one it at all.

#### Thus the plan –

#### Resolved: Public colleges and universities in the United States ought not restrict constitutionally protected speech to free speech zones.

#### Free speech zones limit student discourse and should be prohibited

Hudson 16 [(David L. Hudson Jr. is a First Amendment expert and law professor who serves as First Amendment Ombudsman for the Newseum Institute’s First Amendment Center. He contributes research and commentary, provides analysis and information to news media. He is an author, co-author or co-editor of more than 40 books, including Let The Students Speak: A History of the Fight for Free Expression in American Schools (Beacon Press, 2011), The Encyclopedia of the First Amendment (CQ Press, 2008) (one of three co-editors), The Rehnquist Court: Understanding Its Impact and Legacy (Praeger, 2006), and The Handy Supreme Court Answer Book (Visible Ink Press, 2008). He has written several books devoted to student-speech issues and others areas of student rights. He writes regularly for the ABA Journal and the American Bar Association’s Preview of United States Supreme Court Cases. He has served as a senior law clerk at the Tennessee Supreme Court, and teaches First Amendment and Professional Responsibility classes at Vanderbilt Law School and various classes at the Nashville School of Law), "How Campus Policies Limit Free Speech," Huffington Post, 6/1/2016] AZ

Restricting where students can have free speech

In addition, many colleges and universities have free speech zones. Under these policies, people can speak at places of higher learning in only certain, specific locations or zones. While there are remnants of these policies from the 1960s, they grew in number in the late 1990s and early 2000s as a way for administrators to deal with controversial expression. These policies may have a seductive appeal for administrators, as they claim to advance the cause of free speech. But, free speech zones often limit speech by relegating expression to just a few locations. For example, some colleges began by having only two or three free speech zones on campus.​ The idea of zoning speech is not unique to colleges and universities. Government officials have sought to diminish the impact of different types of expression by zoning adult-oriented expression, antiabortion protestors and political demonstrators outside political conventions. In a particularly egregious example, a student at Modesto Junior College in California named Robert Van Tuinen was prohibited from handing out copies of the United States Constitution on September 17, 2013 - the anniversary of the signing of the Constitution. Van Tuinen was informed that he could get permission to distribute the Constitution if he preregistered for time in the “free speech zone.” But later, Van Tuinen was told by an administrator that he would have to wait, possibly until the next month. In the words of First Amendment expert Charles Haynes, “the entire campus should be a free speech zone.” In other words, the default position of school administrators should be to allow speech, not limit it. Zoning speech is troubling, particularly when it reduces the overall amount of speech on campus. And many free speech experts view the idea of a free speech zone as “moronic and oxymoronic.” College or university campuses should be a place where free speech not only survives but thrives.

#### Constitutionally protected speech refers to expression that furthers democratic self-governance – presume that a type of speech isn't protected unless the neg proves it

Weinstein 11 – James Weinstein, Amelia D. Lewis Professor of Constitutional Law, Sandra Day O'Connor College of Law, Arizona State University: 2011(PARTICIPATORY DEMOCRACY AS THE CENTRAL VALUE OF AMERICAN FREE SPEECH DOCTRINE, Virginia Law Review Vol 97:3 p.1-2, Available at <https://web.law.asu.edu/Portals/31/Weinstein_UVA_May_2011.pdf> Accessed on 12/14/16)IG

In this discussion I will defend the view that contemporary American free speech doctrine is best explained as assuring the opportunity for individuals to participate in the speech by which we govern ourselves. This democracy-based theory is both descriptively powerful and normatively attractive. Descriptively, no other theory provides nearly as good an explanation of the actual pattern of the Supreme Court's free speech decisions. Normatively, this theory is appealing because it is firmly rooted in a value to which virtually everyone in our society adheres. In addition, it properly confines the most rigorous speech protection to expression necessary to the legitimacy of the entire legal system. I. DESCRIPTIVE POWER To demonstrate the descriptive power of this theory, I will first describe the structure of contemporary free speech doctrine. I will then show how a theory based on the individual right to participate in the democratic process provides a remarkably cogent explanation of this structure. Contrary to a widely held view aptly dubbed the "all-inclusive" approach,' it is manifestly not the case that "all speech receives First Amendment protection unless it falls within certain narrow categories of expression . . . such as incitement of imminent illegal conduct, intentional libel, obscenity, child pornography, fighting words, and true threats."2 Nor is it true, as is also commonly sup- posed, that unless speech falls into one of these forlorn categories, any content regulation of this speech will be subject to "strict scrutiny." In addition to the well-known exceptions just mentioned, one need only consider the large range of speech regulated on account of its content, all without a hint of interference from the First Amendment, such as that regulated by securities, antitrust, labor, copyright, food and drug, and health and safety laws, together with the array of speech regulated by the common law of contract, negligence, and fraud, to quickly realize that there is a multitude of "exceptions" beyond the few recognized by the all-inclusive approach. Indeed, a more accurate snapshot of First Amendment protection is almost the photonegative of the all-inclusive approach: highly protected speech is the exception, with most other speech being regulable because of its content with no discernable First Amendment constraints or like commercial speech, sexually explicit but non-obscene speech, or speech in a nonpublic forum,' expression that receives some, but not the most rigorous, protection from content regulation.

#### Free speech zones and no protest zones infringe on protected speech and shut down impromptu uprising which disarms the most effective form of resistance and forces reform efforts to bend to the will of the established system

Mitchell 03 - Don Mitchell, Distinguished Professor of Geography at Syracuse’s Maxwell School: 2003 (“The Liberalization of Free Speech: Or, How Protest in Public Space is Silenced” Stanford Agora Vol. 4 p.36-37 Available at agora.stanford.edu/agora/volume4/articles/mitchell/mitchell.pdf Accessed on 12/11/16)IG

In the end, a federal judge upheld the city’s position, seeing no illegitimate abridgement of protesters’ rights in the City’s establishment of a no protest zone. The judge stated, plainly enough, that “free speech must sometimes bend to public safety.”150 In this case it had to bend for 50 blocks, and right out of downtown – even though in Madsen, the court had found a 36 foot exclusion zone to be reasonable but both a 300 foot zone in which approaching patrons and workers of clinics, and a 300 foot no-protest zone around residences of clinic workers to be too great a burden on free speech, ordering a much smaller no-protest bubble to be drawn.151 Given this sort of spatial specificity in the Supreme Court’s decision, it seems unlikely that such a large protest exclusion zone could withstand scrutiny.

But there is another issue at work too. The judge in Seattle supported the City’s contention that sanctioned protest was acceptable. The no-protest zone was necessary because of impromptu protests. But, of course, the very effectiveness of the Seattle protests was their (apparent) spontaneity.152 That is what caught the media’s – and the public’s – imagination; and that is what allowed for the massive upsurge of political debate, in the U.S. and around the world, that followed.

Perhaps, tactically, Seattle’s “mistake” was to not establish designated protest and no-protest zones in advance of the meetings. Such a move had been effective in the 1996 Democratic and Republican Conventions (and in earlier ones too). And in subsequent years and events it has become standard practice, as with the 2000 National Conventions, the annual meetings of the World Bank and International Monetary Fund in Washington, and the World Economic Forum meeting in New York in February 2002, where protesters are kept out of certain areas by fences, barricades and a heavy police presence.153 In the case of the 2000 Democratic National Convention in Los Angeles, it was the protesters who were fenced off, with the City establishing an official “protest zone” in a fenced parking lot a considerable distance from the convention site.154 The rationale, of course, was “security,” a rationale backed by appeals to the authority of the Secret Service. The ACLU, among others, sued the city, eventually winning a decision that invalidated the city’s plans. The city was forced to establish a protest zone closer to the convention center, with the judge chiding the City of Los Angeles for failing to consider the First Amendment when it established the rules for protest and security around the event. “You can’t shut down the 1st Amendment about what might happen,” the judge said. “You can always theorize some awful scenario.”155 This victory should not be considered very large. Its effect, and the effect of other cases like it, has largely reduced the ACLU and other advocates of speech rights to arguing the fine points of geography, pouring over maps to determine just where protest may occur. Protesters are put entirely on the defensive, always seeking to justify why their voices should be heard and their actions seen, always having to make a claim that it is not unreasonable to assert that protest should be allowed in a place where those being protested against can actually hear it, and always having to “bend” their tactics – and their rights – to fit a legal regime that in every case sees protest subordinate to “the general order” (which, of course, really means the “established order”).

### 1AC – Militarism

#### By regulating appropriate "space and time," free speech zones make any student protest meaningless

Crocker 7 [Thomas Crocker (Assistant Professor, University of South Carolina School of Law. J.D., Yale; Ph.D., Vanderbilt), "Displacing Dissent: The Role of "Place" in First Amendment Jurisprudence," Fordham Law Review, 2007] AZ

Because where we speak is often just as important as what we say, increased efforts by the government to restrict the location of speech threaten to undermine the guarantees of the First Amendment. The Supreme Court's current free speech doctrine permits the imposition of reasonable time, place, and manner restrictions on speech without raising constitutional concerns. 7 Government officials have seized upon this doctrinal permissiveness to develop practices that suppress and control the content of speech by regulating the place of speech. Such suppression and control is most (in)visible in the case of political dissent. Dissent or political protest is expressed most effectively in public, especially at places where government officials-above all the President-appear. To convey a message of dissent is to convey no message at all if it is spoken where no other persons-much less the targeted government officials-can hear or see the message. It is precisely this aim-the elimination of dissenters' ability to appear as dissent to specific audiences-that has been the object of much recent regulation. Regulation of place has stifled political dissent by creating special "protest zones" at presidential appearances, 8 by deploying free speech cages at national party conventions, 9 and by designating large areas of urban centers as "restricted zones."10 More generally, officials control or displace speech by establishing university "free speech zones,"' I limiting mass protests such as those in New York against the Iraq War,12 and restricting use of sidewalks, 1 3 malls, 1 4 and airports. 15 The simple regulation of place has made dissent effectively invisible, practically pointless, and criminally dangerous. For example, when President George W. Bush visited Columbia, South Carolina, in 2002, Brett Bursey sought to welcome him with a sign that read "No War for Oil.' 16 Standing among others who were waiting to greet the President without messages of dissent, Bursey was ordered by officials to remove himself to a designated protest zone three quarters of a mile away and out of sight of the President. 17 When he refused, he was arrested, charged with violating 18 U.S.C. § 1752,18 and later convicted of violating Secret Service restrictions on a person's presence where the President is temporarily visiting. 19 Bursey was not singled out simply because he wished to convey a message of dissent, but because he wished to convey a message of dissent in a particular place and in the presence of other persons standing along a roadway to greet the President as he passed. By the simple regulation of place, government officials succeeded in suppressing dissent.20 Many commentators lament the decline of the public sphere brought about by the increased organization of modem life.21 Quite apart from rising concerns over security, modem life has diminished the role of traditional places where the public might gather and mingle, such as town greens, parks, sidewalks, and pedestrian streets.22 Justice Anthony Kennedy has noted this problem: "Minds are not changed in streets and parks as they once were. To an increasing degree, the more significant interchanges of ideas and shaping of public consciousness occur in mass and electronic media."'23 Although the Internet provides a vibrant new forum for discursive practices, there is a countervailing worry that the ability to select content to an ever more refined degree will lead to greater social fragmentation. 24 Moreover, the Internet does not provide for serendipitous occasions to encounter others face-to-face or to discover the new or the strange in both a social and public setting.25 Trends of modem life and government regulation of public fora have led to the disappearance of meaningful public discourse, dissent, and protest from the public sphere. Thus, the combination of the physical displacement of traditional public spheres with the strategic disruption of political protest provides ample reason to question whether the bland treatment of place in the Court's current First Amendment jurisprudence appropriately protects, let alone enables, the values of free speech.

#### Zoning is reminiscent of the McCarthy Era and the faults of COINTELPRO – repression cloaked in the law – and gives authorities the power to construe civil disobedience as domestic terrorism, especially in this post-9/11 era.

Mitchell 03 - Don Mitchell, Distinguished Professor of Geography at Syracuse’s Maxwell School: 2003 (“The Liberalization of Free Speech: Or, How Protest in Public Space is Silenced” Stanford Agora Vol. 4 p.43-45 Available at agora.stanford.edu/agora/volume4/articles/mitchell/mitchell.pdf Accessed on 12/11/16)IG

As the preceding argument has indicated, the liberalization of free speech has not always been progressive. And it has not been progressive in both senses of the term. It has not marched steadily forward, uninterrupted, towards the shining light of freedom, to become ever more liberal, ever more just. Rather, to the degree it has been liberalized, this has occurred in fits and starts, with frequent steps backwards or to the side rather than forward. Like any social history, that is, the history of free speech is not a linear one of ever-expanding enlightenment; like any social history it is a history of ongoing struggle. Nor has it been progressive in the sense of necessarily more just, as a close focus on the geography of speech makes clear. Geographical analysis has shown that what sometimes appears as a progressive reinforcement of a right to speech and assembly is really (or is also) in fact a means towards its suppression.169

Nonetheless, whatever rights have been won, have been won through struggle and often not by following the law, but by breaking it. Civil disobedience, by labor activists and other picketers, by civil rights marchers, by anti-war protesters, and by Free Speech activists (as with the Free Speech Movement in Berkeley in the sixties), has forced often illiberal theories of speech and assembly to be reconsidered. But against these struggles has to be set a history of governmental recidivism: the Palmer raids and Red Scare of 1919-1920, the Smith Act of 1940, the McCarthy era, and the antics of COINTELPRO in the 1960s and 1970s, are just a few of the more well-known moments of repression, often cloaked in law and justified as urgent “legitimate state interests” at a time when serious challenges were being made to the “established order” or when other exigent factors induced panic within the government and the public at large. The history of speech and assembly, that is, can be told as an on-going struggle against recurring illiberalism.

We are, most likely, now reentering an illiberal phase, and if I am right that civil disobedience has always been necessary to winning and securing rights to assembly and speech, there is a great deal to be deeply concerned about. For the closing off of space to protest has made civil disobedience all the more necessary right at the moment when new laws make civil disobedience not just illegal, but potentially terroristic. The witch’s brew of Supreme Court spatial regulation of speech and assembly and new antiterrorism laws portends deep trouble for those of us who think we have a duty as well as a right to transform our government when we think it is in the wrong, a duty and a right for which street protest is sometimes the only resource.

Within six weeks of the terrorist attacks of September 11, 2001, Congress had passed, and the President signed into law, the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act).170 Among its many provisions, the Act defines as domestic terrorism, and therefore covered under the Act, “acts dangerous to human life that are in violation of the criminal laws,” if they “appear to be intended … to influence the policy of a government by intimidation or coercion” and if they “occur primarily within the territorial jurisdiction of the United States.”171 As Nancy Chang argues:

Acts of civil disobedience that take place in the United States necessarily meet three of the five elements in the definition of domestic terrorism: they constitute a “violation of the criminal laws,” they are “intended … to influence the policy of a government,” and they “occur primarily within the territorial jurisdiction of the United States.” Many acts of civil disobedience, including the blocking of streets and points of egress by nonviolent means during a demonstration or sit-in, could be construed as “acts dangerous to human life” that appear to be intended to influence the policy of a government “by intimidation or coercion,” which case they would meet the crimes remaining elements…. As a result, protest activities that previously would most likely have ended with a charge of disorderly conduct under a local ordinance can now lead to federal prosecution and conviction for terrorism.172

As the space for protest has become more and more tightly zoned, the likelihood that laws will be broken in the course of a demonstration – a demonstration seeking to “influence a policy of government” – increases. And, of course, the very reason for engaging in a demonstration is to coerce, even if it is not to directly “intimidate.” One should not be sanguine about the “or” placed between intimidate and coerce. It means just what it says: coercion or intimidation will be enough for prosecution.173 Now even civil disobedience can be construed as an act of terrorism.

The intersection of the new repressive state apparatus being constructed in the wake of September 11 with nearly a century of speech and assembly “liberalization” portends a frightening new era in the history of speech and assembly in America. We may soon come to long for those days when protest in public space was only silenced through the strategic geography of the public forum doctrine.

#### In attempt to stifle the anti-war movement, the militarized state has cracked down on resistance to militarism – free speech zones criminalize and marginalize political protests into media spectacles incapable of effectuating change – policing tactics reinforce the violent logic of pre-emption that underlies global warfare

Elmer 8 (Greg Elmer, associate professor of communication and culture at Ryerson University, PhD in communication from the University of Massachusetts at Amherst, director of the Infoscape Research Lab at Ryerson University, Andy Opel, associate professor of communication at Florida State University, PhD in mass communication from the University of North Carolina, member of the International Communication Association, November 2008, “Preempting Dissent: The Politics of an Inevitable Future,” pages 29-41)

SHORTLY AFTER THE LARGE-SCALE PROTESTS against the World Trade Organization in Seattle in late November 1999, police, law enforcement agencies, the military, and global weapons manufacturers began to rethink their responses to public protests. Since the Seattle protests, similar semi—annual gatherings of government officials and corporate trade lawyers have consistently attracted large public protests, organized by public-interests groups denied participation in the decision-making process of trade agreements such as the Global Agreement on Trade and Tariffs (GATT), the North American Free Trade Agreement (NAFTA), and the Free Trade Area of the Americas (FTAA). Wide—scale protests were seen in Prague, Genoa, Cancun, Quebec City, Miami, and, most recently, Mar Del Plata, Argentina. Moreover, as we will see in this chapter, as the size and sophistication of resistance grew, so too did political and legal responses to that resistance. Responses to such protests have been greatly influenced by military and so—called ‘homeland’ security strategies enacted after the terrorist attacks of 9/11 and the initiation of the controversial second Gulf War. As we see in this chapter, the combination of a changing political climate in response to war and terrorism, particularly the expansion of preemptive forms of social control and political containment, has resulted in a new set of practices that have reconfigured public space and criminalized multiple aspects of free speech and public assembly in the United States. This chapter argues that in the shadow of 9/11, the war in Iraq, and the ongoing “War on Terror,” a disturbing form of geopolitical apartheid has emerged in the United States. At the core of this trend is a set of micro-political strategies and technologies that attempt to contain spaces of dissent and detain protestors (Boghosian, 2004). Some activists and critics have labeled these anti-democratic tendencies the “Miami Model,” after the strategies deployed in November 2003 against Free Trade of the Americas protestors by federal, state, and local law enforcement agencies stationed in Miami. The Miami model of law enforcement was characterized by 1) the deployment of overwhelming numbers of law enforcement officers, 2) preemptive arrests of peaceful and law—abiding protestors, and 3) widespread police surveillance techniques before, during, and after protests (Getzan, 2004). And while these three pillars—overwhelming force, preemptive arrests, and surveillance—-provide a good overview of police and law enforcement strategies, in this chapter we focus on the manner in which spaces of dissent, debate, and democracy are being regulated and policed through the courts, going into more depth in the next chapter, through a study of the introduction of weapons meant to easily contain and detain protestors and, more broadly, immobilize dissent. Of greater concern is the degree to which such strategies systematically marginalize dissent, spatially and politically speaking. From the creation of “free speech zones” and the proposal for protest free “Pedestrian Safety Zones”2° to the political screening of participants in political “town hall meetings,” space has increasingly become a tool to limit open debate, freedom of speech, and political dissent in the US. Part of our interest in exposing the strategies of political segregation, first through the containment of protest spaces, and second, through the deployment of preemptive hand-held weapons, is theoretical. The segregation of deviance has often been influenced by Foucaultian theories of panopticism and social control. An increasing number of scholars, however, are arguing that Foucault’s panoptic prison, even deployed in metaphorical terms, has been overextended, particularly when considering broader geographic perspectives (Haggerty & Ericson, 2000; Elmer, 2004). Many scholars arguing that panopticism must move beyond architectures or institutions of social control, do so in large part to theorize emerging technological, “virtual,” or simulated forms of surveillance and discipline (e.g., Bogard; Gandy). While we find such arguments to be productive, they typically juxtapose their ideas against corporeal surveillance and monitoring of the past. Human surveillance and policing factors, conversely, play a key role in monitoring political organizing activities and training, peaceful protests, and acts of civil disobedience (Boghosian, 2004, p. 29). Moreover, Foucault’s metaphorical use of a penitentiary as the historical trope or dispositif for social discipline, reformation, and self-actualization, while providing a broad conceptual framework for a dispersed theory of self-discipline, control, and conformity, has little to say about that which escapes conformity, namely public protest, civil disobedience, and other forms of social and political dissent. Under the constant gaze of social mores and values, Foucault’s subjects are implored to change and police their own behaviour. The proliferation of surveillance technologies (such as closed-circuit TV, CCTV), preemptive policing, programs that attempt to anticipate future social and geopolitical risks (Elmer Opel, 2006), and the presumption of guilt instead of innocence, are in part a response to past intelligence failures. The inability to gain adequate and up-to-date intelligence on domestic and international risks in the US, UK, Iraq, Pakistan, North Korea, Iran, etc., continues to highlight the limits and shortcomings of surveillance programs and intelligence—gathering techniques. The recognition of decentred and distributed network infrastructures and relationships among protesters, migrants, and terrorists in the US and elsewhere, has similarly stretched conventional thinking about the structure and deployment of surveillance programs and technologies. In short, members of such feared networks are not typically considered panoptic subjects, that is to say, they are not clients, candidates, or inmates in need of reform, or self-discipline. Rather, it is argued that such networked subjects have become increasingly influenced by strategic and indefinite forms of containment and detainment. Didier Bigo’s (2006) extension of Foucault’s theories of social control provides a helpful point of departure. While Bigo shares the goal of extending theories of social and political control outside of the prison and other social institutions, he maintains an interest in the social control of populations, specifically through the mobility, capture, and detainment of specific populations. By introducing the concept of the “ban-opticon,” Bigo succeeds in moving outside the panoptic walls of punishment, to question the optics and governmentality of indefinite detainment, a questionable spatial and legal tactic used in the “War on Terror” and with migrant communities. Such detainees, be they in Guantanamo Bay or in immigrant holding centres in the EU and elsewhere, have no intention of turning their subjects into law-abiding, productive citizens (Miller, 1993), rather their goal is both to remove individuals from war, or to merely return them to their previous location—to ban them. In both cases, individuals are immobilized and excluded from participating in war and/ or entering Western societies. Although political protestors produce a different set of challenges from domestic law enforcement and forces of political control in the US—primarily their visibility in the media as increased evidence of opposition to the political status quo—they are similarly immobilized, contained, and in some cases detained without charge. Such detainments, further, in many instances are not subject to punishment (fines, etc.); rather, they are increasingly used to preemptively, and temporarily remove protestors from public spaces until the conclusion of protests (Boghosian, 2004, p. 29). The operationalization of preemptive tactics in the US further highlights the limitations of Foucault’s decentred model of power, in which sovereignty is manifest through dispersed disciplinary technologies. Strategies of political containment and detainment, spatially and individually speaking, are in large part enabled by what Giorgio Agamben (2005) refers to as the “state of exception,” the “no [one’s]man’s land between public law and political fact” (p. 1). Ironically, while conservatives in the US continue to argue against a “living constitution,” where interpretations over the nation’s law change over time,21 the Bush administration actively sought to reinterpret executive powers during the so-called War on Terror. Following Agamben, Didier Bigo (2006) argues that such interpretations are enacted through explicit declarations by political rulers, a declaration that invokes an exception to the rule of law. Broadly construed, the US administration continues to invoke the War on Terror to blur the line between law and politics. In defence of the secret wiretapping program, the Bush administration has argued that an exception to the rule of law was enacted by the legislation, giving the president preemptive powers to carry out surveillance. Similar arguments have been made in the UK, Canada, and France. The Boston Globe and other media in the US also reported about the growing use of “signing statements” by the US president, as a means to state his exception to the new law. For example, after the signing of US Senator John McCain’s anti—torture bill in the January 2006, the president declared that “The executive branch shall construe [the law] in a manner consistent with the constitutional authority of the President as Commander in Chief.” He also added that this interpretation “will assist in achieving the shared objective of the Congress and the President ... of protecting the American people from further terrorist attacks” (Savage, 2004). Of course, many American laws that govern executive power, public debate, and, as we see next, dissent and protest in public space, are so broadly written that they practically cultivate political exceptionalism. For example, as an adjunct to debates over the US Patriot Act, the “spatial tactics” of law enforcement have recently produced a series of controversial rulings about the accessibility of public spaces for the purposes of political protest. Thus, at a time when public advocates and intellectuals have reinforced the importance of understanding the democratic and political aspects of various geographies——most notably innovative and tolerant ones (Florida, 2003) and environmentally sustainable ones (Gore, 2007)—the American legal system continues to downplay or altogether avoid spatial considerations in First Amendment cases. Timothy Zick (2005), for example, argues that “The reason courts fail to properly scrutinize spatial tactics is that they have accepted the common conception of place as mere res—a neutral thing, an undifferentiated mass, a backdrop for expressive scenes” (p. 3). Results of this legal conception of place as a “neutral thing” include the protest zones (some resembling cages”) established at both the Democratic and Republican national conventions during the summer of 2004 as well as the now routine practice of keeping protestors many blocks and often miles away from free trade, WTO, or GATT meetings. Later in the same year the G8 summit was held on the tiny (private) Sea Island, just off the coast near Savannah, Georgia, a choice that made it nearly impossible——given the security noose around the island——to stage a meaningful and visible protest. In South Carolina, the well-known activist Brett Bursey gained nationwide attention for a series of attempts to protest against President Bush at Republican Party organized rallies, the last of which, in 2004, resulted in his arrest and conviction under a statute that enables the Secret Security to establish a security perimeter or zone around the president. Mirroring Zick’s argument about the court’s treatment of space as an objective or neutral equation in contemporary politics, an aide to the former South Carolina Senator Strom Thurmond, was quoted on National Public Radio as saying thA2 The statute under which Mr. Bursey’s been charged alleges that he failed to vacate an area that had been cordoned off for a visit by the president of the United States. It is a content—neutral statute, and Mr. Bursey is charged not because of what he was doing but because of where he was doing it. The US statute in question—-USC 18: 1 752(a)(l)(ii), “Temporary residences and offices of the President and others”—while not a new, post-9/11 law, nevertheless raises obvious questions and concerns about its use as a political tool for spatially and politically marginalizing dissent. The law in effect establishes a temporary “residence” for the president as he goes about his business across the country. The law forbids groups or individuals from entering or remaining with an area (defined as “building,” “grounds,” or “any posted, cordoned off. . .” area where the president is visiting).24 Moreover, the law does not apply universally, only to those who intend “to impede or disrupt the orderly conduct of Government business or official functions.” Interestingly, in the course of preparing Bursey’s defence, lawyers were able to gain access to the Secret Service’s policy manual on protests. The South Carolina Progressive Network subsequently used the document to highlight the means by which the Bush administration was interpreting the above mentioned law to segregate protestors away from the president’s supporters and the media. Moreover, The Progressive Network also maintained that while the law did give the Secret Service the power to cordon off access to the president, “There is no limitation to the size of the restricted area.” Furthermore, “In the Bursey case, the restricted area was approximately 70 acres and stretched for a mile.”25 With no spatial limits on the separation of protestors from the US president, political marginalization becomes a distinct possibility. The spatial segregation of speakers according to the content of their messages all too easily bifurcates voices and perspectives into “two sides,” mirroring the dominant red/ blue political culture of the US. Thus in the absence of political leaders, protests, and, perhaps more importantly, acts of civil disobedience, lose their publicity, all too often becoming marginalized spectacles distanced from the machinations of political parties, candidates, and government. Zick put it this way: “In these places, protests and demonstrations become staged events, bland and neutered substitutions for the passionate and, yes, sometimes chaotic face-to—face confrontations that have characterized our country’s past” (Zick, 2005, p. 45). The process of segregating public space according to political message and turning public gatherings into “staged events” is contrasted with the actual political strategy of the staged event or “town hall meeting,” where pre-screened publics appear to ask government officials “authentic” questions, a practice that has many online examples as well.26 This illusion of public participation is another quality of the spatial turn in free speech politics where city streets are cordoned off to become de facto “stages” for media cameras. By literally separating the demonstrators from the object of their demonstration, the protest zone becomes “a way of controlling the content of the debate without really acknowledging that is what is being done” (Mitchell, 2003, p. 39). In addition to creating media frames and stages, protest zoning also facilitates preemptive police tactics, placing all potential protestors in one location in the name of security. Fencing in protestors or zoning them away from a given site implies a threat or danger that requires preemptive zoning, thus “assuming guilt until innocence is proven” (Mitchell, 2003, p. 39). Mitchell refers to this zoning as the “ghettoization” of protest; we prefer the South African analogy of an apartheid as more accurate. Whereas a ghetto is often viewed as the result of low-income people clustered together out of necessity and a lack of resources, apartheid was an explicit legal and spatial strategy that segregated settlements and produced a second-class citizenry. Parallels can be drawn to the state of liberal democracy in the United States, where protestors and political dissidents are legally restrained and contained outside of the so-called mainstream political stage. Yet, as we will see in the next chapter, preemptive arrests, facilitated by segregationist spatial tactics and exceptionalist forms of governmentality, often move beyond the realm of the panoptic to the violent repressive use of weaponry, what are creatively termed “less-lethal technologies.” As we shall see, many new crowd control technologies have incorporated decidedly preemptive logics that explicitly reinforce our belief that the preemptive doctrine is as much about controlling behaviours and seeking broader political compliance as it is a technique for reducing actual risks and dangers.

#### Colleges are the missing link in the expanding counter-movement to militarism – campus anti-war activism has failed to materialize, but is necessary to support broader global movements and turn the tide against the culture of US militarism

Harding and Kershner 11 [(Scott Harding School of Social Work, University of Connecticut; and Seth Kershner, Simmons College) “Just say No”: Organizing Against Militarism in Public Schools” Journal of Sociology & Social Welfare Vol. 38 > Iss. 2 (2011)] AT

Discussion Counter-recruitment demands that its activists perform the same sorts of functions normally associated with community organizing. Our analysis illustrates the following implications for CRM strategy: (1) CRs must avoid taking an overtly anti-war position, stressing instead the anti-militarism of the movement. To do otherwise and frame CR as a form of opposition to particular wars runs the risk of alienating key community leaders whose support may be needed to build future coalitions; (2) While the CRM is explicitly inclusive, in that it is multi-generational and multiracial, CR organizing paradoxically needs at the same time to be somewhat exclusive in recruiting activists. Not everyone can be a community organizer, and those who lack good interpersonal skills and a feel for the political will fail to advance the movement’s goals; and (3) Given the long-term dimension of this work, CRs would do well to focus their efforts on achieving some of the goals 100 Journal of Sociology & Social Welfare identified by Friesen (2010). With the possible exception of Arlene Inouye, none of these examples of counter-recruitment sought to organize around all five of the goals at once. Indeed, one of the counter-recruiters in this study compared his role in fighting the Goliath of American militarism to the plucky determination of the American bull terrier highlighted in James Thurber’s short story, “Snapshot of a Dog.” “You pick a bit, you become an expert in it, and you don’t let go” (Pat Elder, personal communication, May 12, 2010). Counter-recruitment organizing starts with recruiting allies to build effective local coalitions. The examples of CR analyzed in this study demonstrate that the best allies are typically school stakeholders: parents and teachers. With a coalition firmly in place, these groups seek to clarify goals and objectives. Counter-recruiters do this by framing their coalition’s public message in non-threatening, inclusive language. The activists we interviewed all agree that an anti-war or antimilitary message will end up alienating the coalition from the community whose support it needs to survive. If these groups cannot transmit their finely-honed message to enough people, or to those they want to target, counter-recruiters then try to utilize alternative media outlets. The counter-recruiters profiled here lobby policy-makers and relevant public officials when they want to see concrete (policy) change. They get on the phone, write letters, and reach out to local places of worship to influence decisions. As another means of advocacy, counter-recruiters may get themselves seated on committees. If none exist they may start the process to create one so that there will be some forum to address the concerns of their coalition. And finally, if their coalition isn’t getting a chance to be heard, and if those in power won’t let them be heard because they are ignoring a law, counter-recruiters first try and cajole them or convince them to come to their senses. And, if all else fails, they litigate. Current counter-recruitment strategy can be summarized in three key phrases: anti-militarist, long term, and inclusive. CR strategy is anti-militarist, not simply anti-war. It is aimed at countering that part of U.S. culture which promotes violence and war as the optimal response to conflict. Anti-militarism is seen by movement organizers as a way to keep the movement viable for the long-term. One lesson CRs must learn from the Vietnam war is that to focus on individual issues (a specific war) and tactics (like draft resistance) may result in sacrificing long-term relevance for short-term goals (Jahnkow, 2006a). Counter-recruitment is thus a means of resisting not just one war, but the larger culture of militarism whose survival depends in part on young people’s passive acceptance of military values and ideals. CR strategy is also focused on a long-term vision of incremental gains. If the CRM had a symbol, it would surely be the tortoise. As the anti-ASVAB campaigns in Maryland and San Diego attest, when activists win, it may be only be one local school district. Thus, as the movement goes forward, activist victories will be measured by the “summation of a series of small, incremental struggles” (Theberge, 2005, p. 16). For CR strategist Rick Jahnkow, “people have to be operating from a very long-term perspective and be willing to accept that you might not achieve real measurable and visible victories quickly, that it requires time, it requires dedication” (personal communication, May 27, 2010). Finally, CR strategy is inclusive in that it is a multi-generational, multiracial movement and needs to be to remain a credible force for change in the communities most heavily targeted by military recruiters. However, there are obstacles to keeping the movement inclusive. Older CRs often have trouble working with the co-leadership of younger, high-school-age CRs. This reluctance reflects an authoritarian thread of movement culture and must be addressed for a truly multigenerational movement to flourish (Jahnkow, personal communication, May 27, 2010). Further, despite its success, CR has trouble attracting attention and respect from the broader peace movement, a problem which will ensure that the counter-recruitment movement remains under-resourced in terms of volunteer recruitment and fundraising. Interestingly, Rick Jahnkow (2009) identified class divisions as a barrier to greater (movement) solidarity: peace activists “generally come from a more affluent part of society than those who are targeted by recruiters.” As a result, Those of us who have been doing this work have sometimes felt that the struggle to educate the peace movement about the social injustice dimensions of this problem has been just as frustrating at times as trying to break through the pro-military biases of school officials. (p. 2) As important, CR activists recognize the ways that public policy serves to reinforce a culture of militarism. At over sixhundred pages, the mammoth No Child Left Behind (NCLB) Act of 2001 is the best-known example of such legislation. Section 9528 of the bill requires all U.S. high schools to provide the Pentagon with contact information for their students or face the loss of federal education funding. That directive was added in the final hour “by a Louisiana congressman who was offended that some high schools chose to protect their students’ privacy by not giving out student information to military recruiters” (Anderson, 2009, p. 275). Parents and students can still “opt out” of having their private information rendered to military recruiters. Indeed, as shown, counter-recruitment organizers have increased the number of students who opt out every year by, for example, lobbying school districts to send opt-out forms home for parents to sign. While such efforts surely make a difference, the lack of an opt-out provision on the national level means that CR successes will retain the limited impact of local campaigns. But even if CRs and their allies were to gain repeal of Section 9528 of NCLB, it would probably fail to have the desired effect. When it comes to collecting the kind of student information most helpful to military recruiters, the Pentagon is hardly dependent on NCLB; it can and does get private student information from elsewhere. Other, lesser-known pieces of legislation (e.g., the National Defense Authorization Act of 2002) give military recruiters practically the same level of access as NCLB (Anderson, 2009). Although the legislative outlook may be bleak—Congress remains staunchly pro-military and the repeal of NCLB is unlikely—the counter-recruitment movement has to exploit what little advantage it has within the existing legal framework. For example, Section 9528 of NCLB not only includes the mandate noted above, it also requires that military recruiters be given the same level of student access enjoyed by other types of recruiters. An example of what the CRM could do Organizing Against Militarism in Public Schools 103 with this “equal access” provision is provided by the students of Watervliet High School in New York State. Fed up with the military recruiters who stalked the school cafeterias almost on a daily basis, Watervliet students and their adult allies successfully lobbied their local school board to pass a policy limiting visits by all types of recruiters to one per month (Geurin, 2009). As their example shows, there is a growing recognition that effective counter-recruitment can be done even when schools are forced to open their doors to military recruiters. Regardless of tensions with the broader peace movement, and despite legislative obstacles that make it difficult to eliminate militarism in schools, since the 1980s counter-recruiters have scored significant victories. Project YANO’s successful use of litigation as a tactic won the equal access rights critical to counter-recruitment in schools. And as the military devised new methods of securing the private information of students, CRs joined outraged parents and teachers in launching a counter-attack. Organizers like Pat Elder and Arlene Inouye have also successfully used legislative tactics at the state and school district levels. Charting the ways in which the CRM achieves its victories represents an important contribution to the social sciences literature, which until now has all but ignored the counter-recruitment movement. Conclusion Counter-recruitment has been criticized for its narrow focus and lack of engagement with the larger aims of U.S. militarism abroad and structural inequality at home (Tannock, 2005). Nonetheless, though it only has limited support from some national peace organizations, properly understood, CR remains a viable method of addressing U.S. foreign policy and a culture of militarism. In what amounts to a division of labor among antiwar activists, Travieso (2008) identified counter-recruitment as one of three strategic interests to develop out of the U.S. peace movement following the invasion of Iraq (along with targeting multi-national corporations like Halliburton, and lobbying members of Congress to cut off war funding.) Ultimately, he suggested, this “professionalization” of strategy represents a marked improvement over the non-hierarchical and largely ineffective peace movement represented in the 104 Journal of Sociology & Social Welfare run-up to the war in Iraq. Where does this leave the future of counter-recruitment? In terms of scholarship, academics and others concerned with the impacts of increased militarism should consider work on this and related topics. Ironically, colleges are being pushed to roll out the welcome mat to the armed forces and increase the university presence of ROTC nationwide (Lewin & Hartocollis, 2010; Nelson, 2010). Instead of uncritically accepting a military presence on campus, colleges and those who teach in them could more effectively confront American militarism through focused research and vigorous public debate. In spite of stereotypes about American universities as bastions of radicalism, these institutions and those working inside their ivy-covered walls have failed to adequately grapple with the reality of U.S. militarism. The time to turn the tide is now. With Pentagon spending at record levels, the occupation of Afghanistan in its tenth year, a long-term American military presence in Iraq likely, and military operations expanding in places like Yemen and Pakistan, the stakes could not be higher. If colleges are to be more than mere incubators of military values, scholars—social scientists in particular—must critically examine America’s culture of militarism and its domestic and global impacts. Research on counter-recruitment as one aspect of peace activism offers such an opportunity. Despite the utility of Friesen’s (2010) study, for example, larger sample sizes are needed to better assess the similarities and differences among groups engaged in counter-recruitment organizing. Evaluation of the success of counter-recruitment is also needed. Field research and in-depth case studies could help explain the strengths and limitations of CR, along with its relationship to other forms of peace activism. NNOMY supports a directory of nearly 150 U.S.-based groups engaged in some type of counter-recruitment and demilitarization work. Absent a national magazine or information source devoted to counter-recruitment, this presents a vital opportunity for scholars and others to follow such activism. The study of international counter-recruitment efforts offers another line of inquiry, given the lack of such research. In countries with a military situation similar to the United States (no draft, an all volunteer army), there is little evidence of counter-recruitment organizing per se. Instead, we do see a growing interest in the issue of military recruitment and youth militarism in places like the United Kingdom, where Scottish parliamentarian Christine Grahame has criticized the Army for making visits (often uninvited) to elementary schools, high schools and even preschools (Johnson, 2010). In Spain, Canada, and Italy, activists have gone beyond an idle interest in this issue; they have spontaneously organized counter-recruitment events in their schools, colleges and communities. From the limited information on international CR-related activities we draw two conclusions. First, the United States is the only country with a well-organized network of counterrecruitment groups. Outside U.S. borders the most obvious examples are demonstrations targeting military recruitment kiosks (in Spain and Canada) or against groups perceived to be promoting or profiting from youth militarism (Italy) (Alacant, 2010; Denomme, 2005; Micci, 2010). Second, we suggest that these limited international efforts underscore that the American model of recruiting for the military is uniquely dependent upon the schools. While these countries are similar to the United States by virtue of their reliance on all-volunteer forces, only two (Spain and Italy) ended conscription within the last ten years. More research is needed to determine the extent to which a military recruiter presence in schools grows in proportion to the length of time without conscription. It is interesting, in this regard, to note a possible correlation. Only the United Kingdom has had a longer period without conscription (since 1963) than the United States. Today the UK’s school recruitment program is just as robust as the U.S. model. The armed forces seek recruits starting at age 16; army visits to schools are also an integral part of the program. As opportunities for transnational peace organizing increase, counter-recruitment may emerge as an essential activity in other countries. Trends in key western states indicate a shift away from conscription, and toward all-volunteer, professional armies. At the same time, military forces from NATO countries are increasingly being called upon to support U.S. foreign policy goals—which often means sending troops into combat in Afghanistan or other neo-imperial outposts. This suggests an opportunity for counter-recruiters in the United States to collaborate with European peace movements with the aim of promoting CR as a viable anti-war organizing strategy. For U.S. activists, outreach efforts could be as simple as monitoring peace movements outside the United States. They could also involve leading workshops on counter-recruitment at international peace conferences or writing guest editorials on blogs and in magazines read by the European peace community. Regional networks of counter-recruitment activists organizing their own conferences will likely assume a greater role in the future; as an example, we note the contingent of Micronesian counter-recruiters that grew out of the 2009 International Network of Women Against Militarism conference in Guam (Kershner, 2010). Promoting dialogue on issues of mutual concern thus offers the potential to build a CR network in other countries and regions within established peace and anti-war organizations. If successful, such efforts will not only build bridges of understanding between U.S. activists and their international allies, they will also bolster global defenses against militarism at a time of increasingly global war.

#### It’s try or die for the global resistance – a brutal eruption of warfare and fascistic violence will soon engulf the globe – but the conditions are ripe for an equally powerful opposition movement to prevent global catastrophe

Socialist Equality Party (Uk) 16 [(Socialist Equality Party (Uk), ) For A New Socialist Movement Against Militarism, Austerity And War, International Committee Of The Fourth International 11-14-2016] AT

1. The Third National Congress of the Socialist Equality Party (UK) endorses the February 18, 2016 statement of the International Committee of the Fourth International (ICFI), “Socialism and the Fight Against War: Build an International Movement of the Working Class and Youth Against Imperialism!” 2. A quarter century has passed since the apologists for capitalism hailed the dissolution of the Soviet Union in December 1991 as the “end of history” and the final victory of the free market and liberal democracy. Instead, the drive to establish a new world order has succeeded only in creating global disorder: a series of unending wars; entire countries devastated; millions killed, maimed and/or turned into refugees; the re-emergence of fascistic tendencies and the pursuit of brutal class war policies in an “age of austerity.” 3. Far more rapidly than most people are aware, US imperialism is preparing a direct military confrontation with its geopolitical rivals. At a “Future of the Army” panel in Washington this October, Army Chief of Staff General Mark A. Milley declared that war between nation states “is almost guaranteed... Our army and our nation must be ready.” The Atlantic Council think tank urges preparations by the US to fight “major and deadly” wars between “great powers,” identified as Russia and China, entailing “high levels of death and destruction” and the possibility of “a nuclear exchange.” 4. Plans for a major military escalation in Syria are integral to Washington’s offensive to secure hegemony over the Eurasian land mass. Realising this geo-strategic goal demands the dismemberment of Russia and its reduction to semi-colonial status, while the US “pivot to Asia” is aimed at encircling and neutralising China as an economic rival. Consequently, the entire world has become a tinderbox. With 60 nations presently involved, the Syrian civil war threatens to become the flashpoint for a broader conflagration in the Middle East. At the same time, NATO forces have advanced to the very borders of Russia, while the Far East is an arena for military confrontation between both regional and imperialist powers, such as Japan and Australia. Washington’s showering of strategic favours on India so as to harness it to its anti-China pivot has overturned South Asia’s “balance of terror” and greatly exacerbated tensions between India and Pakistan—the rival, nuclear-armed states created by the 1947 communal partition of the subcontinent. 5. The US is at the forefront of this eruption of militarism, but the same tendencies are present in every country. Britain’s June 23 vote to leave the European Union (EU) is a turning point in the resurgence of national tensions that are tearing Europe apart, heralding intensified trade war measures and militarism. Every one of the major European powers is participating in the conflict in Syria, each with their own competing national objectives. All the relations that have existed in Europe since the Second World War have been thrown into question. Whether the UK’s “special relationship” with the US can endure, whether Germany will be content to accept a US hegemony that runs counter to its own interests, and the exact line-up of relations between the major powers on the continent is yet to be determined. But, however events unfold, what is certain is that a new world war is inevitable without the independent intervention of the international working class. 6. The drive to war emerges as a result of the intractable crisis of capitalism as a world system. The fundamental contradiction between the globalisation of production and the capitalist nation state system, based on private ownership of the means of production and class exploitation, is fuelling social and political discontent, destabilising traditional mechanisms of rule, throwing bourgeois politics into a state of upheaval and flux, and preparing a global catastrophe. This danger is made all the more immediate by the deepening crisis of the capitalist profit system, which is the source of war. 7. All efforts to overcome the financial meltdown of 2008—through bank bailouts and austerity—have not only failed, they have sharpened class tensions and prepared the way for a new economic crash. According to the International Monetary Fund, total global debt now stands at $ 152 trillion, equivalent to 225 percent of world GDP—the largest debt bubble in the history of humanity. The quantitative easing programmes employed by the US Federal Reserve Board, Bank of England, European Central Bank and Bank of Japan have overwhelmingly benefited the super-rich. The balance sheets of the world’s central banks have risen from $6 trillion in 2007 to $21 trillion today. The collapse of this debt bubble will send entire economies into meltdown. 8. It is in preparation for this that the bourgeoisie is attempting to effect a political readjustment: a pre-emptive strike against what it fears above all—a unified struggle by the international working class that challenges its rule. In the United States, the fascistic demagogue and real estate billionaire Donald Trump was able to win the presidential election under conditions where his Democratic Party challenger, Hilary Clinton—the favourite of Wall Street and the military-industrial complex—arrogantly dismissed social concerns in favour of the promotion of reactionary racial and sexual politics and attacks on Trump from the right for his stated opposition to waging war on Russia. In Europe, the elevation of fascistic and xenophobic parties such as the National Front in France is accompanied by the promotion of forces such as Syriza in Greece, Podemos in Spain and Jeremy Corbyn in Britain as a supposed “left” alternative. 9. Among workers and youth there exists a powerful desire for peace and social equality that finds no organised expression. The building of a conscious anti-war movement requires that the working class develop a scientific understanding of the objective roots of the crisis, based on a precise assessment of the economic and class interests that are driving the policies of their “own” bourgeoisie and its rivals. Only then will the working class be able to delineate its independent class interests, in solidarity with its class brothers and sisters the world over, in irreconcilable opposition to the bourgeoisie’s promotion of “national unity” as the ideological basis for war. Brexit and the promotion of nationalism 10. This is the fundamental lesson to be drawn from the June referendum on Britain’s membership of the European Union. The crisis of the global economy following 2008 exacerbated divisions within the ruling elite between those who viewed EU membership as vital to projecting their economic and political interests and those for whom EU moves towards greater integration, under German domination, threatened the City of London and its ability to exploit the new centres of economic growth such as China. It was in a bid to placate anti-EU sentiment in the Conservative Party and counter the growth of the UK Independence Party (UKIP) that then-Prime Minister David Cameron agreed to a referendum on EU membership. The aim was to exploit anti-EU and anti-immigrant rhetoric to channel social discontent in a rightward direction and force concessions from the EU that would block plans for closer economic and political union. Oblivious to the alienation of millions from the existing institutions, the ruling class was shocked when its arguments for a Remain vote—based on warnings of financial collapse and economic insecurity—had little traction among those who felt they had nothing to lose. 11. Through its call for an active boycott of the referendum, the Socialist Equality Party was alone in advancing an independent political perspective for the working class. Based on a sober evaluation of the balance of class forces and the lessons of history, especially of Germany in the 1930s, its starting point was to define a policy that upheld the interests not only of workers in Britain, but in Europe and internationally. Explaining that both the Remain and Leave camps were equally hostile to the working class, the SEP made clear its irreconcilable opposition to the EU as an instrument of the major powers in imposing austerity, in facilitating the attack on immigrants through its Fortress Europe policy, and in backing militarism across the continent. But it rejected any support for a Leave campaign dominated by right-wing xenophobes and Thatcherites for whom “national sovereignty” was a banner for trade war, based on deepening the offensive against working people. 12. Crucially, the SEP warned that the referendum was the most advanced expression of the failure of the post-Second World War project of European unification through which the “ruling elites had sought to resolve the fundamental contradiction that had twice in the 20th century plunged the continent into war—between the integrated character of European and global production and the division of the continent into antagonistic nation states… But unity within the framework of capitalism could never mean anything other than the domination of the most powerful nations and corporations over the continent and its peoples. Rather than national and social antagonisms being alleviated, they have taken on malignant forms.” The SEP stressed, “The EU is breaking apart and cannot be revived. It is only through the creation of the United Socialist States of Europe, established as an integral component of a world federation of socialist states, that the vast productive forces of the continent can be utilised for the benefit of all.” 13. Underscoring these dangers, the referendum campaign saw an unprecedented intervention of the Armed Forces and the security services, MI5 and MI6. Both sides proclaimed their commitment to NATO and its offensive against Russia and China: The Remain camp argued that British EU membership strengthened NATO, while the Leave camp declared that plans to create a European Army would undermine the US-led alliance. Cameron described EU membership as essential to combating a “newly belligerent Russia,” marshalling the support of senior military and security chiefs as well as US President Barack Obama, Secretary of State John Kerry and five ex-NATO secretaries-general. Obama warned that UK membership was vital in keeping the “EU open, outward looking, and closely linked to its allies on the other side of the Atlantic,” ensuring that NATO meets its “overseas commitments from Afghanistan to the Aegean,” and to “reassure allies who are rightly concerned about Russian aggression.” The campaign for a UK exit was backed by a dozen former senior military officers, with Major General Julian Thompson, who led the 1982 Falkland Islands/Malvinas war, describing the EU as a security threat because it includes “many members who cannot be trusted due to their close relationship with Russia.” 14. The principled approach taken by the SEP delineated a genuinely socialist, internationalist standpoint from both the pseudo-left apologists for the EU such as Left Unity, who joined Labour and the trade unions in supporting Remain, and the “Left Leave” advocates of the Socialist Workers Party (SWP), Communist Party of Britain (CPB) and Socialist Party (SP). The SEP stressed, “The biggest political danger in this situation is the mixing of class banners on the basis of the espousal of a supposedly ‘left nationalism.’” The politically criminal character of this policy was made clear by George Galloway, who appeared alongside UKIP leader Nigel Farage to call on the left and right to “march together.” As the SEP stated, the advocates of Left Leave “are wholly indifferent to the actual forces being strengthened by the Leave campaign. In reality, they are subordinating the working class to an initiative aimed at shifting political life even further along a nationalist trajectory, thereby strengthening and emboldening the far right in the UK and across Europe, while weakening the political defences of the working class. Having helped release the genie of British nationalism, they are politically responsible for its consequences.” Brexit unleashes a carnival of reaction 15. This warning was prophetic. The narrow 52 percent vote in favour of Leave has been seized on by the most right-wing sections of the Tory Party as an opportunity to complete the Thatcherite social counterrevolution. Cameron was replaced by Theresa May, who campaigned to remain in the EU but has since come forward as a strident advocate of a “hard-Brexit.” Echoing the spurious claims of the “Left Leave” pseudo-left, she has described the result as a rebellion by “ordinary, working class people” against the “international elites,” and is using it as the basis for invoking “patriotism” and whipping up British nationalism. Her government has adopted the policies of UKIP in all essentials, including calls to phase out the employment of foreign doctors and nurses in the National Health Service and other vicious anti-immigrant measures. The collapse in sterling has been welcomed by these right-wing pyromaniacs as a means of further slashing living standards. A comment in the London Evening Standard gave an indication of their agenda when insisting, “Brexit means this: Work Harder.” “Ironically, we all will have to learn to be more like immigrants now... If we want British jobs for British workers we are going to have to stop being choosy.” 16. Opposition to Brexit continues to enjoy the support of powerful sections of Britain’s ruling class, as well as the US. A minority position within the Tories—the desire to ameliorate or, if possible, overturn the referendum result—unites the majority of the Labour Party, the Liberal Democrats, Scottish National Party (SNP), Plaid Cymru (Party of Wales) and the Greens. Concerted efforts, backed by legal action, are being made to create the basis for parliament to vote down any agreement triggering Article 50 (which begins the UK’s formal exit from the EU) and/or force a second referendum or a general election. The formation of a “progressive” pro-EU alliance or even a new party is also being discussed. 17. This has been given additional weight by the reigniting of a constitutional crisis that threatens the break-up of the UK. Only two years after the defeat of the 2014 referendum on Scottish independence, the SNP administration has said it will hold a second referendum in the event of a hard-Brexit, and is seeking an alliance with various parties in the devolved administrations of Wales and Northern Ireland to block or limit exit from the EU. Sectarian conflict is also threatened in Ireland. Northern Ireland voted by 56 percent to remain in the EU. The Democratic Unionist Party favours Brexit and the smaller Ulster Unionist Party, which opposed it, says it will defend the all-UK vote. But Sinn Fein, the Social Democratic and Labour Party and the Alliance Party all support remaining in the EU and are uniting with the Republic of Ireland government in voicing concern over its economic impact and the possibility that a hard border will be reinstated between the north and south. This would also undermine the 1998 Good Friday Agreement and raise the issue of Ireland’s partition once again, over which a civil war and decades of violent conflict have taken place within the past century. 18. The real measure of this “progressive alliance” is its encouraging of divisions in the working class, so long as access to the Single European Market for Britain’s corporations and banks is preserved. Their denunciations of pro-Brexit voters as a “mob” and the anti-democratic character of attempts to overturn the referendum drive threaten to drive sections of workers into the arms of UKIP and other right-wing elements. Moreover, political success for this bourgeois faction would do nothing to lessen the dangers posed to the working class by nationalist reaction and militarism. There can be no turning back the clock to a supposed “golden age” of European unity. 19. In their attempts to prevent the growth of anti-EU sentiment in other countries, the major powers have threatened to punish Britain for its vote—warning that exit from the bloc means losing access to the Single Market. This has been accompanied by a stepping up of plans by the major European powers for the formation of a European Army and the build-up of its internal security forces. According to policy papers drawn up by Germany, France and Italy, the proposed army must be able to “act autonomously if and when necessary” all over the world. 20. The issue, however, is who will command such a force. German Foreign Minister Frank-Walter Steinmeier has declared that Germany is “too big merely to comment on world affairs from the side-lines.” But Berlin’s efforts to assert its hegemony over the continent will only intensify the disintegration of the EU into competing power blocks, North, South and East. Germany is seen as the natural focus of an alliance of the Benelux, Nordic and Baltic countries. France is flirting with leadership of a southern bloc that includes Italy, Spain, Portugal, Greece, Cyprus and Malta as a counterweight to German hegemony, while an eastern bloc centres on Hungary and Poland. 21. What unites the bourgeoisie in Britain with its European counterparts is their agreement on the brutal repression of migrants, the whipping up of anti-Muslim sentiment, strengthening police-state measures at home, and imperialist war abroad. Obscene arguments over who is responsible for sheltering the victims of Western aggression who have been forced to flee their homes and attempt the often-fatal passage to Europe are an occasion for portraying Islam as an existential threat to European civilisation, based on invocations of Christianity or the secular ideals of the Enlightenment. Far right parties have formed governments in East European countries such as Hungary and Poland, while in Western Europe the hard-right Austrian Freedom Party could yet take the presidency. The Alternative for Germany party has adopted an anti-Islamic manifesto for next year’s German elections, and in France, the National Front of Marine Le Pen is almost certain to go through to the second round in May’s presidential election. Europe’s official parties—whether nominally conservative or social democratic—in turn utilise the growth of the far right to shift their own politics in the same direction. A resurgence of British imperialist militarism 22. In a bid to contain intractable social, political and economic problems for which it has no progressive solution, Britain’s ruling elite is being driven on a path to war. Even more so than in the past, the bourgeoisie hopes to secure its interests by manipulating international tensions and playing rival powers against one another. Such a balancing act cannot be sustained. The May government’s decision to proceed with Chinese involvement in the building of the Hinkley Point nuclear reactor in England follows on from the UK’s pioneering role in the Beijing-inspired Asian Infrastructure Investment Bank. But closer economic relations with China and other rising powers, as a means of counteracting the decline of British capitalism, are incompatible with the UK’s historic dependence on the US. 23. This is especially the case under conditions in which the vote to leave the EU has severely undermined the UK’s use-value to Washington and therefore its continued ability to punch above its weight on the world arena. The prospect of Germany consolidating its domination of Europe following the UK’s withdrawal led to Robert D. Kaplan, an influential member of the US foreign policy establishment and architect of the 2003 US invasion of Iraq, warning in the Wall Street Journal, “The returning geopolitical chaos is akin, in some respects, to the 1930s… Brexit has undermined a key goal of British geopolitics going back hundreds of years: preventing any one power from dominating the Continent. Yet now Germany is empowered to do just that. Germany could strike a separate bargain with Russia or turn inward toward populist nationalism. Great Britain should reinvigorate its alliance with America. Acting together, the two nations can still project power on the European mainland up to the gates of Russia.” 24. The UK is already playing a lead role in ratcheting up tensions with Russia and is in open conflict with Germany and France over plans for a European Army, seeking to use its position as the fifth largest nuclear power in the world, and the second largest contributor to NATO’s budget, to provide it with leverage. But its nuclear capability is only operable with US technology and warheads, while the new Queen Elizabeth and Prince of Wales aircraft carriers, the largest ever built in the UK, will be platforms for US-built F-35 stealth fighters and Apache helicopter gunships. Britain’s alliance with the US means it will be drawn inexorably even further into military conflicts anywhere in the world. In Europe, it places it in the front line of the US build-up against Moscow, raising the prospect of a confrontation with Germany and the re-opening of the fault-lines that led to two world wars. 25. The ever-expanding burden of this upsurge in militarism will be borne by the working class. In 2016, the government increased military spending for the first time in six years, to a projected £39.7 billion in 2020/21. This does not include the cost of Trident’s renewal, the final cost of which is expected to reach £205 billion—almost two years’ spending on the National Health Service. This is only a beginning. In a letter to Defence Minister Michael Fallon, retiring General Sir Richard Barons called for a massive rearmament of Britain’s military capabilities, complaining, “neither the UK homeland nor a deployed force... could be protected from a concerted Russian air effort.” The pro-imperialist politics of the pseudo-left 26. The Brexit referendum confirmed the pseudo-left groups as bourgeois tendencies. In its aftermath, the pro-Remain supporters of Another Europe is Possible are lining up behind demands for parliament to reassert its authority over the terms of Brexit and have taken part, alongside the Liberal Democrats and others, in pro-EU demonstrations. For its part, the Socialist Party calls for a campaign to ensure a “socialist, internationalist Brexit” based on support for a Jeremy Corbyn-led Labour government. But the most degenerate expression of the integration of the pseudo-left into the mechanisms of capitalist rule is their support for militarism and war. There is nothing to distinguish their writings on these issues from that of their imperialist governments. Gilbert Achcar, a member of Socialist Resistance, spoke for a broad section of the pseudo-left groups in a recent attack on the US-Russian ceasefire in Syria. Achcar urged the arming of the pro-Western opposition groups with anti-aircraft missiles and other weapons. 27. The Stop the War Coalition (STWC) does not represent an alternative to the militarist politics of the pseudo-left. An alliance of Counterfire (a break-off from the SWP) with the Communist Party of Britain, it promotes the fatal illusion that the fight against war can be conducted outside of and separate from the class struggle. On this basis, it combines petty-bourgeois pacifist appeals with an anti-American, rather than an anti-imperialist, perspective. Its convenor, Lindsey German, has declared, “We’ve said for some years that one of our aims as a movement should be to break Britain from following the US in every step of its foreign policy.” In 2003, the STWC subordinated the mass protests against the invasion of Iraq to appeals to the United Nations, France and Germany to oppose Washington. Today, the CPB distinguishes itself in being openly pro-Assad and in portraying Russia as a bulwark against both US imperialism and ISIS-inspired terrorism. 28. The SEP rejects the designation by the pseudo-left groups of Russia and China as imperialist states. This false characterisation, torn out of all historical context, is a key means through which they seek to legitimise US and European aggression aimed at subordinating these regions to their direct control. However, our rejection of this designation implies no support for the right-wing capitalist regimes in Moscow and Beijing. The reintroduction of capitalism in both countries was carried out by the Stalinist bureaucracy. It was the end product of a social and economic counterrevolution that began with the repudiation of the perspective of world socialist revolution and the destruction of Lenin’s Bolshevik party in a series of bloody purges targeting above all Leon Trotsky and the Left Opposition. 29. Representing the interests of a parasitic layer of oligarchs, neither the Russian nor Chinese bourgeoisie have any genuine independence from imperialism and are entirely incapable of principled opposition to the machinations of the US and Europe. Both their diplomatic manoeuvres and military interventions are aimed at securing an accommodation with imperialism—safeguarding their own ability to continue the brutal exploitation of the working class—that is the defining feature of these societies. The admirers of Vladimir Putin, Xi Jinping, their armed forces and nuclear arsenals only disorient the working class, prevent its independent mobilisation and prepare the way for a catastrophic war. 30. The rightward lurch of the pseudo-left is not the product of mistaken ideas or the rotten politics of one or another individual. Such a broad political shift into the camp of imperialism has profound social roots. In 1999, David North, international editorial board chairman of the World Socialist Web Site, wrote: “The objective modus operandi and social implications of the protracted stock market boom have enabled imperialism to recruit from among sections of the upper-middle class a new and devoted constituency. The reactionary, conformist and cynical intellectual climate that prevails in the United States and Europe—promoted by the media and adapted to by a largely servile and corrupted academic community—reflects the social outlook of a highly privileged stratum of the population that is not in the least interested in encouraging a critical examination of the economic and political bases of its newly-acquired riches.” [A Quarter Century of War: The US Drive for Global Hegemony 1990-2016] 31. The 2007/08 financial crisis, the plundering of societal wealth to bail out the banks and the super-rich, which in turn is dependent on military aggression abroad and austerity at home, has only served to cement the loyalty of the pseudo-left to imperialism. These groups speak for privileged sections of the middle class that want a bigger share of the wealth of the top 10 percent and more influence and power within the corporate elite, the trade union apparatus and the state. The ICFI as the revolutionary centre of opposition to militarism and war 32. Against all forms of middle-class, pseudo-left politics, the Socialist Equality Party bases its perspective on the central and leading role of the working class. The working class must adopt its own strategy to counter the efforts of the imperialist powers to save the capitalist order through war. It must follow not the map of imperialist nation-state geopolitics, but the map of the class struggle—basing its strategy on the unification and mobilisation of its forces internationally for social revolution. 33. The objective conditions for such a struggle are rapidly emerging. The same global crisis that drives the bourgeoisie to impose savage austerity, a turn to authoritarian forms of rule and the re-division of the planet and its resources through military force, also creates the conditions of an eruption of the class struggle. But for this to become a conscious political offensive against the capitalist class and its state machinery demands the building of the International Committee of the Fourth International as the revolutionary, global centre of opposition to imperialist war. 34. The ICFI takes responsibility for building a mass anti-war movement based on four essential precepts: The struggle against war must be based on the working class, the great revolutionary force in society, uniting behind it all progressive elements in the population. The new anti-war movement must be anti-capitalist and socialist, since there can be no serious struggle against war except in the fight to end the dictatorship of finance capital and the economic system that is the fundamental cause of militarism and war. The new anti-war movement must therefore, of necessity, be completely and unequivocally independent of, and hostile to, all political parties and organisations of the capitalist class. The new anti-war movement must, above all, be international, mobilising the vast power of the working class in a unified global struggle against imperialism. The permanent war of the bourgeoisie must be answered with the perspective of permanent revolution by the working class, the strategic goal of which is the abolition of the nation-state system and the establishment of a world socialist federation. This will make possible the rational, planned development of global resources and, on this basis, the eradication of poverty and the raising of human culture to new heights.

#### Independently – Militarism requires dissent to be suppressed in colleges and universities to be criminalized – it is part and parcel of the state’s dissemination militarization of education and society at large

Godrej 14 Neoliberalism, Militarization, and the Price of Dissent: Policing Protest at the University of California Godrej Farah. Edited by Piya Chatterjee and Sunaina Maira. Published by the University of Minnesota Press 2014. AS

I have offered here a particular window into the ways in which the interests, mechanisms, and operations of both the university system and the neoliberal state are aligned with those of private capital. Of course, that the academy is made to strategically ally with capital as a key piece of neoliberal consolidation should not surprise us. Rather, what is worth noting, I have argued here, is the necessity of the linkages between disinvestment in public education, militarization, and the criminalization of dissent. These necessary linkages demonstrate this volume’s premise that the university is an institution embedded in the hierarchies and inequalities of U.S. racial, gender, and class politics and shed light on the confluence of military and industrial interests as they appear within the U.S. university. I have sought also to emphasize the systematicity and multilayered complexity of this phenomenon. That is, the various pieces of this picture necessarily go together, as rhetoric, law, bureaucracy, and the force of arms all combine effectively to produce the desired end. The neoliberal logic entailed in the privatization of the University of California is, I have argued, necessarily interlinked with the logic of militarization and the criminalization of dissent, because it employs a militarized enforcement strategy, coupled with a political rhetoric that criminalizes the specific behaviors involved in protest and dissent against these strategies. The militarization of the university campus is thus not simply a reflection of the increasing militarization of American law enforcement based on the logic of ongoing threats to public safety encoded in years of the War on Drugs and the War on Terror.25 Rather, such militarization is one prong of a necessary enforcement strategy designed to convey that dissent against privatization is meant to be costly in inflicting various forms of legitimized violence upon those who dissent. The second prong of the enforcement strategy also conveys that dissenters will pay a high price by being criminalized, either through rhetoric that paints them as violent and therefore marginal, unworthy, and undesirable in the public imagination or through legal machinations that force them to expend tremendous financial resources on extricating themselves from prosecution. The language of cost and price here, of course, reminds us of the ongoing hegemony— and perhaps victory— of the conceptual frameworks of neoliberalism and its theoretical accompaniments, such as rational choice theory, predominantly featured in neoclassical economics. These strategies of criminalization and militarization rest on sending signals to adversaries, encoded precisely in these languages, wherein value and worth are measured in terms of indicators such as price or cost, and rational actors are assumed to be guided by a universally comprehensible incentive structure. Thus the strategies of criminalization and militarization rest on deincentivizing dissent, so to speak, assuming that dissenters will measure the costs inherent in their actions and choose rationally to cease from engaging in such dissent. The continued insistence on dissent is therefore resistance to the logic of neoliberal privatization on multiple levels: it not only calls out the complicity of the university with the neoliberal state and the forces of private capital but also continues to dissent despite the “incentives” offered in exchange for desisting from dissent. And in so doing, it should be signaling its rejection not simply of privatization but of the entire conceptual baggage of neoliberalism, including its logics of rational choice, cost, price, and incentive, as well as its logic of structural violence. In other words, the ongoing struggle against the logic of neoliberal privatization requires that dissent continue, despite its high “price.”

#### Student protest on campuses specifically allows for the instigation of dissent and questioning of the Military Industrial Complex within the departments in the University that fuel the war—Vietnam War proves

Tilly et. al. Marco Giugni, Doug McAdam, Charles Tilly. (1999). How Social Movements Matter. University of Minnesota Press. AS

The Anti-Vietnam War Movement and Science Although the United States had been involved in fighting nationalist Vietnamese forces on behalf of France as early as 1954, American involvement took a decidedly large step in 1965, when President Johnson took action on the Gulf of Tonkin resolution, dramatically increasing the bombing of North Vietnam. Unlike the earlier "ban the bomb" movement, which had been led mainly by professionals, some scientists, and a handful of pacifists, protest against American involvement in Vietnam was led by students (DeBenedetti 1990). Science was not an early target of campus-based protesters organized against the war, but it became so as a coincidence of student protests that not only took place on college campuses but were increasingly directed against universities themselves, which were seen as full partners in facilitating the war in Vietnam. It is a truism that people tend to protest against the nearest objects, and the military-science alliance on college campuses was quite visible. For many students it was no great leap to begin to ask questions about the relationship between universities and the "military-industrial complex" that Dwight Eisenhower had identified in 1958. There were also more ideological and intellectual reasons for attacking universities and their faculty: members of Students for a Democratic Society (SDS), who on many campuses acted as leaders of antiwar protest, took seriously the work of Frankfurt school philosopher Herbert Marcuse, who argued that repression in capitalist societies was located not only in the overt actions of the police and courts but in the very institutions, languages, and cultures of a given society (Ehrenreich and Ehrenreich 1969: 34—35). Increasingly, students targeted military recruitment programs and research laboratories that received funding for research that was ultimately used by American troops in Vietnam. Between 1965 and 1970 on at least eleven major college campuses,6 military-supported research buildings and laboratories were sites of antiwar protest and were associated with some of the most dramatic events of the period: the 1970 bombing of the Army Math Research Center at the University of Wisconsin, which killed a researcher; the 1970 Kent State University killings; and the 1968 sit-in at Columbia University. In each of these cases, protesters directed their actions against the physical representations of the alliances between universities and the military, usually Department-of-Defense-sponsored laboratories and programs. At Kent State as early as 1968, student protest was directed against the Liquid Crystals Institute, which developed motion detectors used in Vietnam (Heineman 1993: 37) and at Stanford, against the Stanford Research Institute, which was created explicitly to attract defense contracts and upon which Stanford was economically dependent, though the institute was nominally separate from Stanford University. At Columbia University, the 1968 campus occupation was sparked mainly by Columbia's association with the Institute for Defense Analysis, which poured millions of defense dollars into scientific research on campus. Similarly, the bombing of Sterling Hall at the University of Wisconsin in 1970 was motivated by anger toward the university's alliance with the military (Bates 1992; DeBenedetti 1990; Heineman 1993). More generally, protesters considered the war foolish, cruel, and stupid, perpetuated by authorities—including scientists—who were out of touch with citizens. The main charge against scientists was that they had failed to take responsibility for using scientific knowledge and goods for socially useful, rather than deadly and destructive, ends. The attack on science and technology was so widespread that at a White House ceremony for the National Medal of Science Award, President Johnson was compelled to defend scientists: "An aggrieved public does not draw the fine line between 'good' science and 'bad' technology. . . . You and I know that Frankenstein was the doctor, not the monster. But it would be well to remember that the people of the village, angered by the monster, marched against the doctor" (qtd. in Kevles 1978: 400). This larger questioning of authority placed scientists directly in the line of fire, since they had earlier laid claim to status based on political authority and on their role in keeping America safe (DeBenedetti 1990; Kevles 1978; Lapp 1965; Leslie 1993). In conjunction with the direct and public attacks on the alliance between science, universities, and the war in Vietnam, antiauthoritarian challenges made scientists' claims to serve humanity increasingly implausible. It is possible that universities, professional science associations, scientists, and others might simply have ignored these protests. Yet that is not how the story unfolded.

#### Security and fear-driven politics create the enabling conditions for violence.

Vivienne Jabri 6, Director of the Centre for International Relations and Senior Lecturer at the Department of War Studies at King’s College London, War, “Security and the Liberal State,” *Security Dialogue*, Vol. 37, No. 1 (2006), p. 47-55,

LATE MODERN TRANSFORMATIONS are often conceived in terms of the sociopolitical and economic manifestations of change emergent from a globalized arena. What is less apparent is how late modernity as a distinct era has impacted upon our conceptions of the social sphere, our lived experience, and our reflections upon the discourses and institutions that form the taken-for-granted backdrop of the known and the knowable. The paradigmatic certainties of modernity – the state, citizenship, democratic space, humanity’s infinite capacity for progress, the defeat of dogma and the culmination of modernity’s apotheosis in the free-wheeling market place – have in the late modern era come face to face with uncertainty, unpredictability and the gradual erosion of the modern belief that we could indeed simply move on, assisted by science and technology, towards a condition where instrumental rationality would become the linchpin of government and human interaction irrespective of difference. Progress came to be associated with peace, and both were constitutively linked to the universal, the global, the human, and therefore the cosmopolitan. What shatters such illusions is the recollection of the 20th century as the ‘age of extremes’ (Hobsbawm, 1995), and the 21st as the age of the ever-present condition of war. While we might prefer a forgetting of things past, a therapeutic anamnesis that manages to reconfigure history, it is perhaps the continuities with the past that act as antidote to such righteous comforts.

How, then, do we begin to conceptualize war in conditions where distinctions disappear, where war is conceived, or indeed articulated in political discourse, in terms of peace and security, so that the political is somehow banished in the name of governmentalizing practices whose purview knows no bounds, whose remit is precisely the banishment of limits, of boundaries and distinctions. Boundaries, however, do not disappear. Rather, they become manifest in every instance of violence, every instance of control, every instance of practices targeted against a constructed other, the enemy within and without, the all-pervasive presence, the defences against which come to form the legitimizing tool of war.

Any scholarly take on the present juncture of history, any analysis of the dynamics of the present, must somehow render the narrative in measured tones, taking all factors into account, lest the narrator is accused of exaggeration at best and particular political affiliations at worst. When the late modern condition of the West, of the European arena, is one of camps, one of the detention of groups of people irrespective of their individual needs as migrants, one of the incarceration without due process of suspects, one of overwhelming police powers to stop, search and detain, one of indefinite detention in locations beyond law, one of invasion and occupation, then language itself is challenged in its efforts to contain the description of what is. The critical scholarly take on the present is then precisely to reveal the conditions of possibility in relation to how we got here, to unravel the enabling dynamics that led to the disappearance of distinctions between war and criminality, war and peace, war and security. When such distinctions disappear, impunity is the result, accountability shifts beyond sight, and violence comes to form the linchpin of control. We can reveal the operations of violence, but far more critical is the revelation of power and how power operates in the present. As the article argues, such an exploration raises fundamental questions relating to the relationship of power and violence, and their mutual interconnection in the complex interstices of disrupted time and space locations. Power and violence are hence separable analytical categories, separable practices; they are at the same time connected in ways that work on populations and on bodies – with violence often targeted against the latter so that the former are reigned in, governed. Where Michel Foucault sought, in his later writings, to distinguish between power and violence, to reveal the subtle workings of power, now, in the present, this article will venture, perhaps the distinction is no longer viable when we witness the indistinctions I highlight above.

The article provides an analysis of the place of war in late modern politics. In particular, it concentrates on the implications of war for our conceptions of the liberty–security problematique in the context of the modern liberal state. The first section of the article argues the case for the figure of war as analyser of the present. The second section of the article reveals the conditions of possibility for a distinctly late modern mode of war and its imbrications in politics. The final section of the article concentrates on the political implications of the primacy of war in late modernity, and in particular on possibilities of dissent and articulations of political agency. The aim throughout is to provide the theoretical and conceptual tools that might begin to meet the challenges of the present and to open an agenda of research that concentrates on the politics of the present, the capacities or otherwise of contestation and accountability, and the institutional locations wherein such political agency might emerge.

The Figure of War and the Spectre of Security

The so-called war against terrorism is constructed as a global war, transcending space and seemingly defiant of international conventions. It is distinguished from previous global wars, including the first and the second world wars, in that the latter two have, in historiography, always been analysed as interstate confrontations, albeit ones that at certain times and in particular locations peripherally involved non-state militias. Such distinctions from the old, of course, will be subject to future historical narratives on the present confrontation and its various parameters. What is of interest in the present discussion is the distinctly global aspect of this war, for it is the globality1 of the war against terrorism that renders it particularly relevant and pertinent to investigations that are primarily interested in the relationship between war and politics, war and the political processes defining the modern state. The initial premise of the present article is that war, rather than being confined to its own time and space, permeates the normality of the political process, has, in other words, a defining influence on elements considered to be constitutive of liberal democratic politics, including executive answerability, legislative scrutiny, a public sphere of discourse and interaction, equal citizenship under the law and, to follow liberal thinkers such as Habermas, political legitimacy based on free and equal communicative practices underpinning social solidarity (Habermas, 1997). War disrupts these elements and is a time of crisis and emergency. A war that has a permanence to it clearly normalizes the exceptional, inscribing emergency into the daily routines of social and political life. While the elements of war – conflict, social fragmentation, exclusion – may run silently through the assemblages of control in liberal society (Deleuze, 1986), nevertheless the persistent iteration of war into politics brings these practices to the fore, and with them a call for a rethinking of war’s relationship to politics.

The distinctly global spatiality of this war suggests particular challenges that have direct impact on the liberal state, its obligations towards its citizenry, and the extent to which it is implicated in undermining its own political institutions. It would, however, be a mistake to assume that the practices involved in this global war are in any way anathema to the liberal state. The analysis provided here would argue that while it is crucial to acknowledge the transformative impact of the war against terrorism, it is equally as important to appreciate the continuities in social and political life that are the enabling conditions of this global war, forming its conditions of possibility. These enabling conditions are not just present or apparent at global level, but incorporate local practices that are deep-rooted and institutionalized. The mutually reinforcing relationship between global and local conditions renders this particular war distinctly all-pervasive, and potentially, in terms of implications, far more threatening to the spaces available for political contestation and dissent.

Contemporary global politics is dominated by what might be called a ‘matrix of war’2 constituted by a series of transnational practices that variously target states, communities and individuals. These practices involve states as agents, bureaucracies of states and supranational organizations, quasi-official and private organizations recruited in the service of a global machine that is highly militarized and hence led by the United States, but that nevertheless incorporates within its workings various alliances that are always in flux. The crucial element in understanding the matrix of war is the notion of ‘practice’, for this captures the idea that any practice is not just situated in a system of enablements and constraints, but is itself constitutive of structural continuities, both discursive and institutional. As Paul Veyne (1997: 157) writes in relation to Foucault’s use of the term, ‘practice is not an agency (like the Freudian id) or a prime mover (like the relation of production), and moreover for Foucault, there is no agency nor any prime mover’. It is in this recursive sense that practices (of violence, exclusion, intimidation, control and so on) become structurated in the routines of institutions as well as lived experience (Jabri, 1996). To label the contemporary global war as a ‘war against terrorism’ confers upon these practices a certain legitimacy, suggesting that they are geared towards the elimination of a direct threat. While the threat of violence perpetrated by clandestine networks against civilians is all too real and requires state responses, many of these responses appear to assume a wide remit of operations – so wide that anyone interested in the liberties associated with the democratic state, or indeed the rights of individuals and communities, is called upon to unravel the implications of such practices.

When security becomes the overwhelming imperative of the democratic state, its legitimization is achieved both through a discourse of ‘balance’ between security and liberty and in terms of the ‘protection’ of liberty.3 The implications of the juxtaposition of security and liberty may be investigated either in terms of a discourse of ‘securitization’ (the power of speech acts to construct a threat juxtaposed with the power of professionals precisely to so construct)4 or, as argued in this article, in terms of a discourse of war. The grammars involved are closely related, and yet that of the latter is, paradoxically, the critical grammar, the grammar that highlights the workings of power and their imbrications with violence. What is missing from the securitization literature is an analytic of war, and it is this analytic that I want to foreground in this article.

The practices that I highlight above seem at first hand to constitute different response mechanisms in the face of what is deemed to be an emergency situation in the aftermath of the events of 11 September 2001. The invasion and occupation of Iraq, the incarceration without due process of prisoners in camps from Afghanistan to Guantánamo and other places as yet unidentified, the use of torture against detainees, extra-judicial assassination, the detention and deportation – again without due process – of foreign nationals deemed a threat, increasing restrictions on refugees, their confinement in camps and detention centres, the construction of the movement of peoples in security terms, and restrictions on civil liberties through domestic legislation in the UK, the USA and other European states are all represented in political discourse as necessary security measures geared towards the protection of society. All are at the same time institutional measures targeted against a particular other as enemy and source of danger.

It could be argued that the above practices remain unrelated and must hence be subject to different modes of analysis. To begin with, these practices involve different agents and are framed around different issues. Afghanistan and Iraq may be described as situations of war, and the incarceration of refugees as encompassing practices of security. However, what links these elements is not so much that they constitute a constructed taxonomy of differentiated practices. Rather, what links them is the element of antagonism directed against distinct and particular others. Such a perspective suggests that the politics of security, including the production of fear and a whole array of exclusionary measures, comes to service practices that constitute war and locates the discourse of war at the heart of politics, not just domestically, but, more crucially in the present context, globally. The implications for the late modern state and the distinctly liberal state are monumental, for a perpetual war on a global scale has implications for political structures and political agency, for our conceptions of citizenship and the role of the state in meeting the claims of its citizens,5 and for the workings of a public sphere that is increasingly global and hence increasingly multicultural.

The matrix of war is centrally constituted around the element of antagonism, having an association with existential threA2 the idea that the continued presence of the other constitutes a danger not just to the well-being of society but to its continued existence in the form familiar to its members, hence the relative ease with which European politicians speak of migrants of particular origins as forming a threat to the ‘idea of Europe’ and its Christian origins.6 Herein lies a discourse of cultural and racial exclusion based on a certain fear of the other. While the war against specific clandestine organizations7 involves operations on both sides that may be conceptualized as a classical war of attrition, what I am referring to as the matrix of war is far more complex, for here we have a set of diffuse practices, violence, disciplinarity and control that at one and same time target the other typified in cultural and racial terms and instantiate a wider remit of operations that impact upon society as a whole.

The practices of warfare taking place in the immediate aftermath of 11 September 2001 combine with societal processes, reflected in media representations and in the wider public sphere, where increasingly the source of threat, indeed the source of terror, is perceived as the cultural other, and specifically the other associated variously with Islam, the Middle East and South Asia. There is, then, a particularity to what Agamben (1995, 2004) calls the ‘state of exception’, a state not so much generalized and generalizable, but one that is experienced differently by different sectors of the global population. It is precisely this differential experience of the exception that draws attention to practices as diverse as the formulation of interrogation techniques by military intelligence in the Pentagon, to the recent provisions of counter-terrorism measures in the UK,8 to the legitimizing discourses surrounding the invasion of Iraq. All are practices that draw upon a discourse of legitimization based on prevention and pre-emption. Enemies constructed in the discourses of war are hence always potential, always abstract even when identified, and, in being so, always drawn widely and, in consequence, communally. There is, hence, a ‘profile’ to the state of exception and its experience. Practices that profile particular communities, including the citizens of European states, create particular challenges to the self-understanding of the liberal democratic state and its capacity, in the 21st century, to deal with difference.

While a number of measures undertaken in the name of security, such as proposals for the introduction of identity cards in the UK or increasing surveillance of financial transactions in the USA, might encompass the population as a whole, the politics of exception is marked by racial and cultural signification. Those targeted by exceptional measures are members of particular racial and cultural communities. The assumed threat that underpins the measures highlighted above is one that is now openly associated variously with Islam as an ideology, Islam as a mode of religious identification, Islam as a distinct mode of lifestyle and practice, and Islam as a particular brand associated with particular organizations that espouse some form of a return to an Islamic Caliphate. When practices are informed by a discourse of antagonism, no distinctions are made between these various forms of individual and communal identification. When communal profiling takes place, the distinction between, for example, the choice of a particular lifestyle and the choice of a particular organization disappears, and diversity within the profiled community is sacrificed in the name of some ‘precautionary’ practice that targets all in the name of security.9 The practices and language of antagonism, when racially and culturally inscribed, place the onus of guilt onto the entire community so identified, so that its individual members can no longer simply be citizens of a secular, multicultural state, but are constituted in discourse as particular citizens, subjected to particular and hence exceptional practices. When the Minister of State for the UK Home Office states that members of the Muslim community should expect to be stopped by the police, she is simply expressing the condition of the present, which is that the Muslim community is particularly vulnerable to state scrutiny and invasive measures that do not apply to the rest of the citizenry.10 We know, too, that a distinctly racial profiling is taking place, so that those who are physically profiled are subjected to exceptional measures.

Even as the so-called war against terrorism recognizes no boundaries as limits to its practices – indeed, many of its practices occur at transnational, often indefinable, spaces – what is crucial to understand, however, is that this does not mean that boundaries are no longer constructed or that they do not impinge on the sphere of the political. The paradox of the current context is that while the war against terrorism in all its manifestations assumes a boundless arena, borders and boundaries are at the heart of its operations. The point to stress is that these boundaries and the exclusionist practices that sustain them are not coterminous with those of the state; rather, they could be said to be located and perpetually constructed upon the corporeality of those constructed as enemies, as threats to security. It is indeed the corporeal removal of such subjects that lies at the heart of what are constructed as counter-terrorist measures, typified in practices of direct war, in the use of torture, in extra-judicial incarceration and in judicially sanctioned detention. We might, then, ask if such measures constitute violence or relations of power, where, following Foucault, we assume that the former acts upon bodies with a view to injury, while the latter acts upon the actions of subjects and assumes, as Deleuze (1986: 70–93) suggests, a relation of forces and hence a subject who can act. What I want to argue here is that violence is imbricated in relations of power, is a mode of control, a technology of governmentality. When the population of Iraq is targeted through aerial bombardment, the consequence goes beyond injury and seeks the pacification of the Middle East as a political region.

When legislative and bureaucratic measures are put in place in the name of security, those targeted are categories of population. At the same time, the war against terrorism and the security discourses utilized in its legitimization are conducted and constructed in terms that imply the defence or protection of populations. One option is to limit policing, military and intelligence efforts through the targeting of particular organizations. However, it is the limitless construction of the war against terrorism, its targeting of particular racial and cultural communities, that is the source of the challenge presented to the liberal democratic state. In conditions constructed in terms of emergency, war permeates discourses on politics, so that these come to be subject to the restraints and imperatives of war and practices constituted in terms of the demands of security against an existential threat. The implications for liberal democratic politics and our conceptions of the modern state and its institutions are far-reaching,11 for the liberal democratic polity that considers itself in a state of perpetual war is also a state that is in a permanent state of mobilization, where every aspect of public life is geared towards combat against potential enemies, internal and external.

One of the most significant lessons we learn from Michel Foucault’s writings is that war, or ‘the distant roar of battle’ (Foucault, 1977: 308), is never quite so distant from liberal governmentality. Conceived in Foucaultian terms, war and counter-terrorist measures come to be seen not as discontinuity from liberal government, but as emergent from the enabling conditions that liberal government and the modern state has historically set in place. On reading Foucault’s renditions on the emergence of the disciplinary society, what we see is the continuation of war in society and not, as in Hobbes and elsewhere in the history of thought, the idea that wars happen at the outskirts of society and its civil order. The disciplinary society is not simply an accumulation of institutional and bureaucratic procedures that permeate the everyday and the routine; rather, it has running through its interstices the constitutive elements of war as continuity, including confrontation, struggle and the corporeal removal of those deemed enemies of society. In Society Must Be Defended (Foucault, 2003) and the first volume of the History of Sexuality (Foucault, 1998), we see reference to the discursive and institutional continuities that structurate war in society. Reference to the ‘distant roar of battle’ suggests confrontation and struggle; it suggests the ever-present construction of threat accrued to the particular other; it suggests the immediacy of threat and the construction of fear of the enemy; and ultimately it calls for the corporeal removal of the enemy as source of threat. The analytic of war also encompasses the techniques of the military and their presence in the social sphere – in particular, the control and regulation of bodies, timed precision and instrumentality that turn a war machine into an active and live killing machine. In the matrix of war, there is hence the level of discourse and the level of institutional practices; both are mutually implicating and mutually enabling. There is also the level of bodies and the level of population. In Foucault’s (1998: 152) terms: ‘the biological and the historical are not consecutive to one another . . . but are bound together in an increasingly complex fashion in accordance with the development of the modern technologies of power that take life as their objective’.

What the above suggests is the idea of war as a continuity in social and political life. The matrix of war suggests both discursive and institutional practices, technologies that target bodies and populations, enacted in a complex array of locations. The critical moment of this form of analysis is to point out that war is not simply an isolated occurrence taking place as some form of interruption to an existing peaceful order. Rather, this peaceful order is imbricated with the elements of war, present as continuities in social and political life, elements that are deeply rooted and enabling of the actuality of war in its traditional battlefield sense. This implies a continuity of sorts between the disciplinary, the carceral and the violent manifestations of government.

#### Maintaining hegemony accelerates paranoid imperial violence – their obsession manufactures threats and conceals the US’ role in enemy construction – the aff makes visible power relationships that enable endless warfare

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[Anne, "Paranoid Empire: Specters from Guantánamo and Abu Ghraib," Muse]

By now it is fair to say that the United States has come to be dominated by two grand and dangerous hallucinations: the promise of benign US globalization and the permanent threat of the “war on terror.” I have come to feel that we cannot understand the extravagance of the violence to which the US government has committed itself after 9/11—two countries invaded, thousands of innocent people imprisoned, killed, and tortured—unless we grasp a defining feature of our moment, that is, a deep and disturbing doubleness with respect to power. Taking shape, as it now does, around fantasies of global omnipotence (Operation Infinite Justice, the War to End All Evil) coinciding with nightmares of impending attack, the United States has entered the domain of paranoia: dream world and catastrophe. For it is only in paranoia that one finds simultaneously and in such condensed form both deliriums of absolute power and forebodings of perpetual threat. Hence the spectral and nightmarish quality of the “war on terror,” a limitless war against a limitless threat, a war vaunted by the US administration to encompass all of space and persisting without end. But the war on terror is not a real war, for “terror” is not an identifiable enemy nor a strategic, real-world target. The war on terror is what William Gibson calls elsewhere “a consensual hallucination,” 4 and the US government can fling its military might against ghostly apparitions and hallucinate a victory over all evil only at the cost of catastrophic self-delusion and the infliction of great calamities elsewhere. I have come to feel that we urgently need to make visible (the better politically to challenge) those established but concealed circuits of imperial violence that now animate the war on terror. We need, as urgently, to illuminate the continuities that connect those circuits of imperial violence abroad with the vast, internal shadowlands of prisons and supermaxes—the modern “slave-ships on the middle passage to nowhere”—that have come to characterize the United States as a super-carceral state. 5 Can we, the uneasy heirs of empire, now speak only of national things? If a long-established but primarily covert US imperialism has, since 9/11, manifested itself more aggressively as an overt empire, does the terrain and object of intellectual inquiry, as well as the claims of political responsibility, not also extend beyond that useful fiction of the “exceptional nation” to embrace the shadowlands of empire? If so, how can we theorize the phantasmagoric, imperial violence that has come so dreadfully to constitute our kinship with the ordinary, but which also at the same moment renders extraordinary the ordinary bodies of ordinary people, an imperial violence which in collusion with a complicit corporate media would render itself invisible, casting states of emergency into fitful shadow and fleshly bodies into specters? For imperialism is not something that happens elsewhere, an offshore fact to be deplored but as easily ignored. Rather, the force of empire comes to reconfigure, from within, the nature and violence of the nation-state itself, giving rise to perplexing questions: Who under an empire are “we,” the people? And who are the ghosted, ordinary people beyond the nation-state who, in turn, constitute “us”? We now inhabit a crisis of violence and the visible. How do we insist on seeing the violence that the imperial state attempts to render invisible, while also seeing the ordinary people afflicted by that violence? For to allow the spectral, disfigured people (especially those under torture) obliged to inhabit the haunted no-places and penumbra of empire to be made visible as ordinary people is to forfeit the long-held US claim of moral and cultural exceptionalism, the traditional self-identity of the United States as the uniquely superior, universal standard-bearer of moral authority, a tenacious, national mythology of originary innocence now in tatters. The deeper question, however, is not only how to see but also how to theorize and oppose the violence without becoming beguiled by the seductions of spectacle alone. 6 Perhaps in the labyrinths of torture we must also find a way to speak with ghosts, for specters disturb the authority of vision and the hauntings of popular memory disrupt the great forgettings of official history. Paranoia Even the paranoid have enemies. —Donald Rumsfeld Why paranoia? Can we fully understand the proliferating circuits of imperial violence—the very eclipsing of which gives to our moment its uncanny, phantasmagoric cast—without understanding the pervasive presence of the paranoia that has come, quite violently, to manifest itself across the political and cultural spectrum as a defining feature of our time? By paranoia, I mean not simply Hofstadter’s famous identification of the US state’s tendency toward conspiracy theories. 7 Rather, I conceive of paranoia as an inherent contradiction with respect to power: a double-sided phantasm that oscillates precariously between deliriums of grandeur and nightmares of perpetual threat, a deep and dangerous doubleness with respect to power that is held in unstable tension, but which, if suddenly destabilized (as after 9/11), can produce pyrotechnic displays of violence. The pertinence of understanding paranoia, I argue, lies in its peculiarly intimate and peculiarly dangerous relation to violence. 8 Let me be clear: I do not see paranoia as a primary, structural cause of US imperialism nor as its structuring identity. Nor do I see the US war on terror as animated by some collective, psychic agency, submerged mind, or Hegelian “cunning of reason,” nor by what Susan Faludi calls a national “terror dream.” 9 Nor am I interested in evoking paranoia as a kind of psychological diagnosis of the imperial nation-state. Nations do not have “psyches” or an “unconscious”; only people do. Rather, a social entity such as an organization, state, or empire can be spoken of as “paranoid” if the dominant powers governing that entity cohere as a collective community around contradictory cultural narratives, self-mythologies, practices, and identities that oscillate between delusions of inherent superiority and omnipotence, and phantasms of threat and engulfment. The term paranoia is analytically useful here, then, not as a description of a collective national psyche, nor as a description of a universal pathology, but rather as an analytically strategic concept, a way of seeing and being attentive to contradictions within power, a way of making visible (the better politically to oppose) the contradictory flashpoints of violence that the state tries to conceal. Paranoia is in this sense what I call a hinge phenomenon, articulated between the ordinary person and society, between psychodynamics and socio-political history. Paranoia is in that sense dialectical rather than binary, for its violence erupts from the force of its multiple, cascading contradictions: the intimate memories of wounds, defeats, and humiliations condensing with cultural fantasies of aggrandizement and revenge, in such a way as to be productive at times of unspeakable violence. For how else can we understand such debauches of cruelty? A critical question still remains: does not something terrible have to happen to ordinary people (military police, soldiers, interrogators) to instill in them, as ordinary people, in the most intimate, fleshly ways, a paranoid cast that enables them to act compliantly with, and in obedience to, the paranoid visions of a paranoid state? Perhaps we need to take a long, hard look at the simultaneously humiliating and aggrandizing rituals of militarized institutions, whereby individuals are first broken down, then reintegrated (incorporated) into the larger corps as a unified, obedient fighting body, the methods by which schools, the military, training camps— not to mention the paranoid image-worlds of the corporate media—instill paranoia in ordinary people and fatally conjure up collective but unstable fantasies of omnipotence. 10 In what follows, I want to trace the flashpoints of imperial paranoia into the labyrinths of torture in order to illuminate three crises that animate our moment: the crisis of violence and the visible, the crisis of imperial legitimacy, and what I call “the enemy deficit.” I explore these flashpoints of imperial paranoia as they emerge in the torture at Guantánamo and Abu Ghraib. I argue that Guantánamo is the territorializing of paranoia and that torture itself is paranoia incarnate, in order to make visible, in keeping with Hazel Carby’s brilliant work, those contradictory sites where imperial racism, sexuality, and gender catastrophically collide. 11 The Enemy Deficit: Making the “Barbarians” Visible Because night is here but the barbarians have not come. Some people arrived from the frontiers, And they said that there are no longer any barbarians. And now what shall become of us without any barbarians? Those people were a kind of solution. —C. P. Cavafy, “Waiting for the Barbarians” The barbarians have declared war. —President George W. Bush C. P. Cavafy wrote “Waiting for the Barbarians” in 1927, but the poem haunts the aftermath of 9/11 with the force of an uncanny and prescient déjà vu. To what dilemma are the “barbarians” a kind of solution? Every modern empire faces an abiding crisis of legitimacy in that it flings its power over territories and peoples who have not consented to that power. Cavafy’s insight is that an imperial state claims legitimacy only by evoking the threat of the barbarians. It is only the threat of the barbarians that constitutes the silhouette of the empire’s borders in the first place. On the other hand, the hallucination of the barbarians disturbs the empire with perpetual nightmares of impending attack. The enemy is the abject of empire: the rejected from which we cannot part. And without the barbarians the legitimacy of empire vanishes like a disappearing phantom. Those people were a kind of solution. With the collapse of the Soviet Union in December 1991, the grand antagonism of the United States and the USSR evaporated like a quickly fading nightmare. The cold war rhetoric of totalitarianism, Finlandization, present danger, fifth columnist, and infiltration vanished. Where were the enemies now to justify the continuing escalation of the military colossus? “And now what shall become of us without any barbarians?” By rights, the thawing of the cold war should have prompted an immediate downsizing of the military; any plausible external threat had simply ceased to exist. Prior to 9/11, General Peter Schoomaker, head of the US Army, bemoaned the enemy deficit: “It’s no use having an army that did nothing but train,” he said. “There’s got to be a certain appetite for what the hell we exist for.” Dick Cheney likewise complained: “The threats have become so remote. So remote that they are difficult to ascertain.” Colin Powell agreed: “Though we can still plausibly identify specific threats—North Korea, Iran, Iraq, something like that—the real threat is the unknown, the uncertain.” Before becoming president, George W. Bush likewise fretted over the post–cold war dearth of a visible enemy: “We do not know who the enemy is, but we know they are out there.” It is now well established that the invasion of Iraq had been a long-standing goal of the US administration, but there was no clear rationale with which to sell such an invasion. In 1997 a group of neocons at the Project for the New American Century produced a remarkable report in which they stated that to make such an invasion palatable would require “a catastrophic and catalyzing event—like a new Pearl Harbor.” 12

#### Thus the plan –

#### Resolved: Public colleges and universities in the United States ought not restrict constitutionally protected speech to free speech zones.

#### Free speech zones limit student discourse and should be prohibited

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Restricting where students can have free speech

In addition, many colleges and universities have free speech zones. Under these policies, people can speak at places of higher learning in only certain, specific locations or zones. While there are remnants of these policies from the 1960s, they grew in number in the late 1990s and early 2000s as a way for administrators to deal with controversial expression. These policies may have a seductive appeal for administrators, as they claim to advance the cause of free speech. But, free speech zones often limit speech by relegating expression to just a few locations. For example, some colleges began by having only two or three free speech zones on campus.​ The idea of zoning speech is not unique to colleges and universities. Government officials have sought to diminish the impact of different types of expression by zoning adult-oriented expression, antiabortion protestors and political demonstrators outside political conventions. In a particularly egregious example, a student at Modesto Junior College in California named Robert Van Tuinen was prohibited from handing out copies of the United States Constitution on September 17, 2013 - the anniversary of the signing of the Constitution. Van Tuinen was informed that he could get permission to distribute the Constitution if he preregistered for time in the “free speech zone.” But later, Van Tuinen was told by an administrator that he would have to wait, possibly until the next month. In the words of First Amendment expert Charles Haynes, “the entire campus should be a free speech zone.” In other words, the default position of school administrators should be to allow speech, not limit it. Zoning speech is troubling, particularly when it reduces the overall amount of speech on campus. And many free speech experts view the idea of a free speech zone as “moronic and oxymoronic.” College or university campuses should be a place where free speech not only survives but thrives.

#### Free speech zones and no protest zones infringe on protected speech and shut down impromptu uprising which disarms the most effective form of resistance and forces reform efforts to bend to the will of the established system

Mitchell 03 - Don Mitchell, Distinguished Professor of Geography at Syracuse’s Maxwell School: 2003 (“The Liberalization of Free Speech: Or, How Protest in Public Space is Silenced” Stanford Agora Vol. 4 p.36-37 Available at agora.stanford.edu/agora/volume4/articles/mitchell/mitchell.pdf Accessed on 12/11/16)IG

In the end, a federal judge upheld the city’s position, seeing no illegitimate abridgement of protesters’ rights in the City’s establishment of a no protest zone. The judge stated, plainly enough, that “free speech must sometimes bend to public safety.”150 In this case it had to bend for 50 blocks, and right out of downtown – even though in Madsen, the court had found a 36 foot exclusion zone to be reasonable but both a 300 foot zone in which approaching patrons and workers of clinics, and a 300 foot no-protest zone around residences of clinic workers to be too great a burden on free speech, ordering a much smaller no-protest bubble to be drawn.151 Given this sort of spatial specificity in the Supreme Court’s decision, it seems unlikely that such a large protest exclusion zone could withstand scrutiny.

But there is another issue at work too. The judge in Seattle supported the City’s contention that sanctioned protest was acceptable. The no-protest zone was necessary because of impromptu protests. But, of course, the very effectiveness of the Seattle protests was their (apparent) spontaneity.152 That is what caught the media’s – and the public’s – imagination; and that is what allowed for the massive upsurge of political debate, in the U.S. and around the world, that followed.

Perhaps, tactically, Seattle’s “mistake” was to not establish designated protest and no-protest zones in advance of the meetings. Such a move had been effective in the 1996 Democratic and Republican Conventions (and in earlier ones too). And in subsequent years and events it has become standard practice, as with the 2000 National Conventions, the annual meetings of the World Bank and International Monetary Fund in Washington, and the World Economic Forum meeting in New York in February 2002, where protesters are kept out of certain areas by fences, barricades and a heavy police presence.153 In the case of the 2000 Democratic National Convention in Los Angeles, it was the protesters who were fenced off, with the City establishing an official “protest zone” in a fenced parking lot a considerable distance from the convention site.154 The rationale, of course, was “security,” a rationale backed by appeals to the authority of the Secret Service. The ACLU, among others, sued the city, eventually winning a decision that invalidated the city’s plans. The city was forced to establish a protest zone closer to the convention center, with the judge chiding the City of Los Angeles for failing to consider the First Amendment when it established the rules for protest and security around the event. “You can’t shut down the 1st Amendment about what might happen,” the judge said. “You can always theorize some awful scenario.”155 This victory should not be considered very large. Its effect, and the effect of other cases like it, has largely reduced the ACLU and other advocates of speech rights to arguing the fine points of geography, pouring over maps to determine just where protest may occur. Protesters are put entirely on the defensive, always seeking to justify why their voices should be heard and their actions seen, always having to make a claim that it is not unreasonable to assert that protest should be allowed in a place where those being protested against can actually hear it, and always having to “bend” their tactics – and their rights – to fit a legal regime that in every case sees protest subordinate to “the general order” (which, of course, really means the “established order”).

#### The First Amendment only protects the structural framework for public discourse.

Weinstein 11 – James Weinstein, Amelia D. Lewis Professor of Constitutional Law, Sandra Day O'Connor College of Law, Arizona State University: 2011(PARTICIPATORY DEMOCRACY AS THE CENTRAL VALUE OF AMERICAN FREE SPEECH DOCTRINE, Virginia Law Review Vol 97:3 p.3, Available at <https://web.law.asu.edu/Portals/31/Weinstein_UVA_May_2011.pdf> Accessed on 12/14/16)IG

As Professor Robert Post's pioneering work has demonstrated, this extremely rigorous protection applies primarily within the do- main of "public discourse." Public discourse consists of speech on matters of public concern, or, largely without respect to its subject matter, of expression in settings dedicated or essential to democratic self-governance, such as books, magazines, films, the internet, or in public forums such as the speaker's corner of the park. It is in this realm that the people-the ultimate governors in a democracy-can freely examine and discuss the rules, norms, and conditions that constitute society. Precisely because public discourse in the United States is so strongly protected, however, the realm dedicated to such expression cannot be conceived as covering the entire expanse of human expression. Just as it is imperative in a democracy to have a realm in which any idea, practice, or norm can be questioned as vituperatively as the speaker chooses, there must be other settings in which the government may efficiently carry out the results yielded by the democratic process. Accordingly, in set- tings dedicated to some purpose other than public discourse-such as those dedicated to effectuating government programs in the government workplace," to the administration of justice in the courtroom," or to instruction in public schools the government has far greater leeway to regulate the content of speech.

It is not just the content of the speech that determines whether the expression will be highly protected as public discourse, but also the setting or medium in which the expression occurs." In modern democratic societies, certain modes of communication form "a structural skeleton that is necessary, although not sufficient, for public discourse to serve the constitutional value of democracy”. For this reason, "it [is] assumed that if a medium [is] constitutionally protected by the First Amendment, each instance of the medium would also be protected." The importance of the medium in which a given instance of speech occurs to democratic self- governance is, in my view, the best explanation of why the Su- preme Court rigorously protects nudity in film and cable television-media that are in its view part of the "structural skeleton" of public discourse-but not in live performances by erotic dancers on the stage of a "strip club."

### 1AC – Biopower

#### By regulating appropriate "space and time," free speech zones make any student protest meaningless

Crocker 7 [Thomas Crocker (Assistant Professor, University of South Carolina School of Law. J.D., Yale; Ph.D., Vanderbilt), "Displacing Dissent: The Role of "Place" in First Amendment Jurisprudence," Fordham Law Review, 2007] AZ

Because where we speak is often just as important as what we say, increased efforts by the government to restrict the location of speech threaten to undermine the guarantees of the First Amendment. The Supreme Court's current free speech doctrine permits the imposition of reasonable time, place, and manner restrictions on speech without raising constitutional concerns. 7 Government officials have seized upon this doctrinal permissiveness to develop practices that suppress and control the content of speech by regulating the place of speech. Such suppression and control is most (in)visible in the case of political dissent. Dissent or political protest is expressed most effectively in public, especially at places where government officials-above all the President-appear. To convey a message of dissent is to convey no message at all if it is spoken where no other persons-much less the targeted government officials-can hear or see the message. It is precisely this aim-the elimination of dissenters' ability to appear as dissent to specific audiences-that has been the object of much recent regulation. Regulation of place has stifled political dissent by creating special "protest zones" at presidential appearances, 8 by deploying free speech cages at national party conventions, 9 and by designating large areas of urban centers as "restricted zones."10 More generally, officials control or displace speech by establishing university "free speech zones,"' I limiting mass protests such as those in New York against the Iraq War,12 and restricting use of sidewalks, 1 3 malls, 1 4 and airports. 15 The simple regulation of place has made dissent effectively invisible, practically pointless, and criminally dangerous. For example, when President George W. Bush visited Columbia, South Carolina, in 2002, Brett Bursey sought to welcome him with a sign that read "No War for Oil.' 16 Standing among others who were waiting to greet the President without messages of dissent, Bursey was ordered by officials to remove himself to a designated protest zone three quarters of a mile away and out of sight of the President. 17 When he refused, he was arrested, charged with violating 18 U.S.C. § 1752,18 and later convicted of violating Secret Service restrictions on a person's presence where the President is temporarily visiting. 19 Bursey was not singled out simply because he wished to convey a message of dissent, but because he wished to convey a message of dissent in a particular place and in the presence of other persons standing along a roadway to greet the President as he passed. By the simple regulation of place, government officials succeeded in suppressing dissent.20 Many commentators lament the decline of the public sphere brought about by the increased organization of modem life.21 Quite apart from rising concerns over security, modem life has diminished the role of traditional places where the public might gather and mingle, such as town greens, parks, sidewalks, and pedestrian streets.22 Justice Anthony Kennedy has noted this problem: "Minds are not changed in streets and parks as they once were. To an increasing degree, the more significant interchanges of ideas and shaping of public consciousness occur in mass and electronic media."'23 Although the Internet provides a vibrant new forum for discursive practices, there is a countervailing worry that the ability to select content to an ever more refined degree will lead to greater social fragmentation. 24 Moreover, the Internet does not provide for serendipitous occasions to encounter others face-to-face or to discover the new or the strange in both a social and public setting.25 Trends of modem life and government regulation of public fora have led to the disappearance of meaningful public discourse, dissent, and protest from the public sphere. Thus, the combination of the physical displacement of traditional public spheres with the strategic disruption of political protest provides ample reason to question whether the bland treatment of place in the Court's current First Amendment jurisprudence appropriately protects, let alone enables, the values of free speech.

#### Zoning is reminiscent of the McCarthy Era and the faults of COINTELPRO – repression cloaked in the law – and gives authorities the power to construe civil disobedience as domestic terrorism, especially in this post-9/11 era.

Mitchell 03 - Don Mitchell, Distinguished Professor of Geography at Syracuse’s Maxwell School: 2003 (“The Liberalization of Free Speech: Or, How Protest in Public Space is Silenced” Stanford Agora Vol. 4 p.43-45 Available at agora.stanford.edu/agora/volume4/articles/mitchell/mitchell.pdf Accessed on 12/11/16)IG

As the preceding argument has indicated, the liberalization of free speech has not always been progressive. And it has not been progressive in both senses of the term. It has not marched steadily forward, uninterrupted, towards the shining light of freedom, to become ever more liberal, ever more just. Rather, to the degree it has been liberalized, this has occurred in fits and starts, with frequent steps backwards or to the side rather than forward. Like any social history, that is, the history of free speech is not a linear one of ever-expanding enlightenment; like any social history it is a history of ongoing struggle. Nor has it been progressive in the sense of necessarily more just, as a close focus on the geography of speech makes clear. Geographical analysis has shown that what sometimes appears as a progressive reinforcement of a right to speech and assembly is really (or is also) in fact a means towards its suppression.169

Nonetheless, whatever rights have been won, have been won through struggle and often not by following the law, but by breaking it. Civil disobedience, by labor activists and other picketers, by civil rights marchers, by anti-war protesters, and by Free Speech activists (as with the Free Speech Movement in Berkeley in the sixties), has forced often illiberal theories of speech and assembly to be reconsidered. But against these struggles has to be set a history of governmental recidivism: the Palmer raids and Red Scare of 1919-1920, the Smith Act of 1940, the McCarthy era, and the antics of COINTELPRO in the 1960s and 1970s, are just a few of the more well-known moments of repression, often cloaked in law and justified as urgent “legitimate state interests” at a time when serious challenges were being made to the “established order” or when other exigent factors induced panic within the government and the public at large. The history of speech and assembly, that is, can be told as an on-going struggle against recurring illiberalism.

We are, most likely, now reentering an illiberal phase, and if I am right that civil disobedience has always been necessary to winning and securing rights to assembly and speech, there is a great deal to be deeply concerned about. For the closing off of space to protest has made civil disobedience all the more necessary right at the moment when new laws make civil disobedience not just illegal, but potentially terroristic. The witch’s brew of Supreme Court spatial regulation of speech and assembly and new antiterrorism laws portends deep trouble for those of us who think we have a duty as well as a right to transform our government when we think it is in the wrong, a duty and a right for which street protest is sometimes the only resource.

Within six weeks of the terrorist attacks of September 11, 2001, Congress had passed, and the President signed into law, the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act).170 Among its many provisions, the Act defines as domestic terrorism, and therefore covered under the Act, “acts dangerous to human life that are in violation of the criminal laws,” if they “appear to be intended … to influence the policy of a government by intimidation or coercion” and if they “occur primarily within the territorial jurisdiction of the United States.”171 As Nancy Chang argues:

Acts of civil disobedience that take place in the United States necessarily meet three of the five elements in the definition of domestic terrorism: they constitute a “violation of the criminal laws,” they are “intended … to influence the policy of a government,” and they “occur primarily within the territorial jurisdiction of the United States.” Many acts of civil disobedience, including the blocking of streets and points of egress by nonviolent means during a demonstration or sit-in, could be construed as “acts dangerous to human life” that appear to be intended to influence the policy of a government “by intimidation or coercion,” which case they would meet the crimes remaining elements…. As a result, protest activities that previously would most likely have ended with a charge of disorderly conduct under a local ordinance can now lead to federal prosecution and conviction for terrorism.172

As the space for protest has become more and more tightly zoned, the likelihood that laws will be broken in the course of a demonstration – a demonstration seeking to “influence a policy of government” – increases. And, of course, the very reason for engaging in a demonstration is to coerce, even if it is not to directly “intimidate.” One should not be sanguine about the “or” placed between intimidate and coerce. It means just what it says: coercion or intimidation will be enough for prosecution.173 Now even civil disobedience can be construed as an act of terrorism.

The intersection of the new repressive state apparatus being constructed in the wake of September 11 with nearly a century of speech and assembly “liberalization” portends a frightening new era in the history of speech and assembly in America. We may soon come to long for those days when protest in public space was only silenced through the strategic geography of the public forum doctrine.

#### Free speech zones reinforce a permanent state of emergency – by geographically regulating the appropriate exercise of speech, zones inculcate subtle norms of control, forcing protesters to internalize state-mandated standards of "correct behavior"

* Law defines itself against state of exception (ie free speech zones)
* 9/11 marked transition to permanent emergency state
* Zoning is a form of implicit biopolitical norming

Berchenko 5 [Daniel Berchenko (freelance writer and social critic), "FREE SPEECH ZONES AND PREEMPTIVE DETENTIONS," 2/8/2005] AZ

In his epoch-making study Homo Sacer, Giorgio Agamben defines the state of exception as the condition of that which is taken outside of the normal juridical order. This state is not defined by a simple absence of law. What is excluded from the juridical order is still held in relation to the law in the act of the law’s suspension – in limning its own boundaries, the law constitutes situations where it is no longer in force and where anything is possible. Generally the decision that produces the exception is only exercised during declared states of emergency – for example during wartime, when curfews are imposed and violators can be shot on sight. But since September 11th, the United States has increasingly passed into a de facto state of emergency where the production of states of exception has become part of the normal functioning of the state, for instance in the detention and de-nationalisation of presumed terrorists. The construction of the Free Speech Zone at the Democratic National Convention in Boston marked an intermediary stage between the older logic of protest containment and the more sinister logic of preemptive detainment through exception in evidence in New York. Protestors at the DNC were expected to voluntarily confine themselves to the Free Speech Zone, which was bounded by high fencing and coiled razor wire. The American Civil Liberties Union (ACLU) likened the area to an internment camp – a comparison that a judge in Boston referred to as ‘an understatement’. However to understand the Free Speech Zone solely as an effort to physically contain or intern protestors is to overlook its fundamental biopolitical purpose. By creating a state of inclusion in which citizens’ rights of representation were in force, the Free Speech Zone implicitly produced an Indiscriminate Arrest Zone outside of it where those rights were withheld. As a physically present barrier, it dramatised the convergence of objective forms of police control and the techniques of subjectivisation that bind individuals to those forms. Protestors were literally compelled to find themselves on one side of the fence or the other – constituting themselves a priori as lawful or unlawful protestors (prior, that is, to any factual activity that could be judged by the law) – in a decision that seemed to be their own but that subjected them to the immediate exercise of State power. At the Republican National Convention in New York, this logic of inclusion and exception was taken further. Police deployed orange mesh netting in the midst of the demonstrations, at the discretion of on-site commanders, to delimit mobile states of exception.

#### Free speech zones constitute a state of exception where a temporary suspension of the law is given permanent spatial arrangement – the exception becomes the rule, suppressing dissent to insulate the state from protesters

Rubin 10 [Zach Rubin (pHD candidate), "The Geography of Protest at the Schools of the Americas" Western Hemisphere Institute for Security Cooperation, 2010] AZ

When exception becomes increasingly necessary to maintain the cohesion of the state throughout its life, Agamben calls this phenomenon the camp. He notes that “The camp is the space that is opened when the of exception begins to become the rule. In the camp, the state of exception, which was essentially a temporary suspension of the rule of law on the basis of a factual state of danger, is now given permanent spatial arrangement, which as such nevertheless remains outside normal order" (ibid. p. 168-169, also cited in Elden 2007). Exception then becomes the rule, so the state that controls its own territorial space can create exception to maintain its integrity. Examples of spaces of exception abound in the United States. A high-profile example made infamous in popular culture are secret activities that take place at Area 51 in Roswell, New Mexico. In Nevada, the “secret" military installation at Groom Lake is “... a place without a name, a place that does not appear on any official maps, and as far as the government is concerned, doesn't even properly exist" (Paglen 2007, p. 238), yet is physically present. Places like these exist as "...spaces and bureaucracies created in response to a perceived emergency, as short term exemptions from normal laws and oversight, but became permanent by virtue of their permanent use and expansion” (ibid., p.243). Originally opened to test top- secret aircraft for use against the specter of communism, the base stayed open as that era passed. It became a space of exception, one that exists in the zoé of the state but not in the bios of its people. Such an example is somewhat abstract to most citizens of the United States, as those who travel to the middle of the desert in Nevada are few. For protestors of the state though, the reality of excepted space is much more of a conventional experience. Often when attending protests of various high profile political figure (e.g. George Bush, Barack Obama) the crowd of which I was part was relegated to “free speech" zones often far away from the supportive crowd. It is a controversial concept, because a “free speech" zone (Giovanelli 200 7, Wang 2006, Hampson 2005) is an area designated for protesters to practice dissenting free speech. In a country with the right to free speech is purported as one of its utmost ideals, those wishing to speak their mind about their leaders are put so far out of sight that their message is not even heard. Some even hold signs proclaiming “I thought all of America was a free speech zone” to note the irony. The state protects that which facilitates its functions and its leaders by insulating them from potentially threatening free speech of which they are a target. Precedent for this comes from the presidents who have been assassinated in the past combined with the increased threat of terrorism in recent years. The free speech zones, themselves an exception to the rule of free speech, become the normal excepting participants of their political life as the state acts to protect itself and its apparatus. As spaces of exception, free speech zones are not limited to protection of actors directly linked to the state. When the state’s external interests are at risk, actors that represent it will step in to protect them. Such a case occurred when protests occurred at the World Trade Organization (WTO) summit in Seattle, Washington, in 1999. Dissidents of a foreign policy perceived as exploitative of poorer countries were beaten, gassed, and arrested, often with no provocation (Herbert 2007, Wainwright and Ortiz 2000, Wainwright et al. 2006). Actors of the state, which had nothing immediately at stake, saw the protestors as a threat to financial interests and likewise the stability of the economy upon which those are staked. Likewise, foreign policy is often a catalyst for protest As globalization compresses space (Massey 1997), advocates for the dispossessed in the United States feel an increased solidarity to the dispossessed of other countries, or to other countries that are dispossessed themselves. The same feelings that brings those advocates to protest their own country are linked to thoughts of exploitation in the sweatshops and banana plantations of the developing world.

#### Zoning enables the state to label protesters as "deviant" and in need of discipline – this places in jeopardy the legal status of *all* citizens

Berchenko 5 [Daniel Berchenko (freelance writer and social critic), "FREE SPEECH ZONES AND PREEMPTIVE DETENTIONS," 2/8/2005] AZ

Once surrounded by the orange netting, anyone could be arrested and detained before presenting even the threat of disruption. The behaviour of individuals trapped in the orange netting was not treated as some external fact to which the law was applied a posteriori. Rather, the exercise of police power in the deployment of the netting produced the situation that it was compelled to judge, resulting in what Agamben has described as a total indistinction between fact and law. Once again, unlawful protesting was not contained by these barriers, it was constituted by them – protesting only became unlawful after it was topographically divided from lawful protesting. As a result, not only were protestors indiscriminately determined to be engaging in unlawful activity – many bystanders and onlookers were also deemed to be exceeding their (suspended) rights and detained. These included, according to the New York Times, a building superintendent taking out his garbage, a man leaving a sushi restaurant, a businessman returning from work, and a woman leaving her gym, among others. The legal status of these citizens was thrown into such radical ambiguity that the de rigueur references to Kafka seem prosaic here. All are guilty before, or behind, the orange netting. The indistinction produced by these police tactics was noted but fundamentally misinterpreted by civil rights advocates. Christopher Dunn of the ACLU remarked that, ‘in their quest to maintain tight control over protestors, the police too often have lost sight of the difference between lawful and unlawful activity.’ This oversight was no accident however, nor was it the result of an over-extension of police power – it is at the foundation of the juridical functioning of the State in response to these protests. As was widely reported in the popular press, detainees at the convention in New York were corralled onto buses and deported to a makeshift detention facility at Pier 57 on the Hudson River. Many were held there for several days without access to legal council, medical attention, or adequate food and water. In light of the generally abysmal conditions of the facility, Pier 57 came to be known among detainees as ‘Little Guantanamo on the Hudson’. As a state of exception it was, in its likeness to an internment camp, nearly identical to the state of inclusion produced by the Free Speech Zone. The ultimate coincidence of these spaces where rights were respectively held in abeyance and in force points up the truth of Agamben’s dictum that the camp is the ‘nomos of the modern’. As a localisation of the law’s suspension, the camp brings to light the centrality of the state of exception to the functioning of the modern state. What was once produced only in factual states of emergency is now used purposively by governments to constitute situations where individuals are subject to indiscriminate arrest and detainment. These new tactics should not be taken as sheer audacity on the part of the State. They are an index of the depth of the crises it faces and the lengths it must go to in order to maintain the semblance of normal juridical rule. After the convention, the New York Times congratulated local authorities on their handling of the protests: ‘it appears that the New York Police Department may have successfully redefined the post-Seattle era, by showing that protest tactics designed to create chaos and attract the world’s attention can be effectively countered with intense planning and a well-disciplined use of force.’ As we have seen, the efficacy of intense planning and well-disciplined force here relies on the hidden premise that protestors can be seized by the State’s biopolitical mechanisms and compelled to submit to the logic of a protest situation defined a priori by the police. When the state begins to preemptively constitute its subjects as criminals, with complete disregard to their factual behavior, the legal status of all citizens becomes radically ambiguous. In this light, the effective policing of the protests was a Pyrrhic victory. One must begin to ask to what extent order is truly maintained when the exception becomes the rule.

#### The role of the ballot is the revelation of power in order to allow subjects to resist disciplinary rules. Even the minutest of rules enforce discipline – subjects should self-reflexively resist these demands to conform and obey

Rajagopal 14 – gender modified [(Indhu Rajagopal, Professor at York University in Toronto, researches in the areas of political philosophy (with a special theoretical focus on Michel Foucault and Gilles Deleuze) and political economy) “Does the Internet shape a disciplinary society? The information-knowledge paradox” First Monday, peer-reviewed internet journal Volume 19, Number 3 - 3 March 2014] AT

Extending Foucault’s (1972) archeological methodology to ICT, we will explore the genealogies of the new forms of knowledge, e.g., information and scientific expertise, which are continually being produced. Adopting his distinct genealogical analysis, we will examine how the information/knowledge dyad operates as power/control and describe its mechanisms of power. To unpack the information–knowledge paradox, we will construct three genealogies: Genealogy of Power/Information; Genealogy of Power/Knowledge; Genealogy of Power vs. Truth/Self–Transformation. Genealogy of Power/Information (Chart I) How does information become power/control? Foucault’s Biopower [14] is metaphorically presented as Bentham’s Panopticon that embodies disciplinary powers (Foucault, 1995) [15]. ICT, as does the Panopticon, objectifies people as scientific categories, in order to manage them. Its instruments are the technologies of digitization. Foucault’s paradigm of the prisoner applies equally to the consumer, if we examine how consumers are ‘seen’, rather than how they ‘see’, as ICT’s new technologies can make consumer surveillance invisible. Production of commercialized information uses ICT power as technologies of surveillance and individuation, e.g., spyware, adware, cookies, data encryption and spatialization, to construct the consumer as an object of knowledge. If the consumer of information is a techno-optimist, [s]he may use ICT willingly without being aware of its totalizing experience and its coercive discourse that target the individual consumer. ICT becomes a conduit through which consumers internalize the ‘commercialized’ authority. With ICT being used as a Panopticon, surveillance’s location is not important because its monitoring eye is ever present in society through bio-technologies. The disciplinary techniques used in this context are surveillance, total infiltration and minute monitoring of consumers of information. The Internet, as a Panopticon, constructs and disciplines consumers. Identification, classification (normal/abnormal), assessment and behaviour alteration of the consumers of information, are the goals of the technological surveillance. Such instances abound on the Web. Spyware, a panoptic tool, intrusively extracts user information for various individuals and authorities. Adware pop-ups breach privacy and invisibly intrude Web users. Carnivore, a sophisticated eavesdropping program developed by the U.S. Federal Bureau of Investigation examined online activities (Carnivore has been replaced by a more thorough system, NarusInsight). Chart 1 portrays how institutionalization of information as knowledge occurs in seven phases: the Instrument (ICT) that informs the individual Self in locations, i.e., Place (homes, society, computer); the Self is objectified through Mechanisms and Techniques of discipline that infiltrate and normalize the Self through hierarchically superior power systems (State, Corporations, Experts of knowledges); the Historical process is evidenced in the genealogy of the Discursive practices on the Self conforming to power, e.g., how the total control of the individual is achieved. Chart I illustrates ICT’s disciplinary processes or mechanisms: its objectification of the consumer; its invisible oligarchy of power (à la Orwell or Kafka); the Internet being used by authorities of state, corporations, etc., for spying and probing into citizens’ interests; ICT’s data-mining through which it totally shapes individuals — their tastes, hobbies, work and existence; archiving mined data as a body of knowledge to coerce captive consumers; the Internet, being an authoritarian gaze that the user cannot identify, locate or evade as it continues to collect data and coerce [her] him (Winokur, 2003). ICT creates what Foucault calls ‘instrumental knowledge’, i.e., scientific knowledge and expertise related to new technologies and their operation — soft or hardware, rather than real awareness and intellectual knowledge/wisdom. Use of instrumental knowledge may entrap unaware users. States/corporations, could legitimize the erosion of individual’s privacy under the false pretext of ‘public good’. The discourse surrounding ICT can be seen to be one of power and control of individual Self by states or corporations as it is often not a public discourse, or a discourse of community life. State/corporations possess ICT’s various tools around which subjectivization discourses (i.e., one becomes the subject of or to a discourse) are constructed. Foucauldian historical processes of disciplining individuals unfolds into three steps: Objectification, e.g., Facebook postings; Loss of Self, e.g., enticement of technological representations of Self; Totalization, e.g., ICT’s imperceptible lure and control. In Foucauldian terms, the information-providing Internet becomes conduits of control over the Self. Thus, one can see that information cannot liberate the Self.

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How can the Self become aware of the disciplinary powers of acknowledged experts’ knowledge? How does truth become power as Foucault claims, rather than power dictating what truth is? Foucault contrasts biopower and bioethics as: Propositional knowledge vs. Knowledge of Self; Codified rules vs. Ethics. The Self is differentiated either as homogenized or as reflective. It is “normalized” to conform to the social construct of norms in schools, workplace, etc., as opposed to the Self being transformed through bioethics. In this transformation, mechanisms that operate are disciplinary institutional practices, such as in Fordism [17], e.g., knowledge becomes commoditized; technology shapes social order; and discursive practices reveal conflicts in the electronic social milieu, between power/knowledge and freedom (Dennis, 1993). Foucault searches for the ‘dispositifs’, i.e., he uncovers the genealogy of certain practices besides analyzing texts or discourses. He examines established practices in the form of institutions, rules, regulations, scientific statements, etc., e.g., institutional practices/policies that intensify surveillance and control, as they police and discipline society. In order to counter these powerful practices, the Self would need multiple forms of effective resistance against routine functions. Chart III differentiates between power and ethics that the Self would have to pursue to distinguish truth from power/knowledge dyad. Foucault warns that as power is totalizing, the Self must deconstruct the authority that subordinates it through the instrument of self-transformation, to free itself from power/knowledge. Through ethical reflexivity and resistance to routinization of obedience to biopower’s narratives and unethical practices, the creative Self can deconstruct its own subjectivity and docility. Techniques and discourses of discipline are embedded in business practices, e.g., Total Quality Management (TQM), that are used for purposes of extracting personal information while being disguised as sharing personal knowledge for the Self’s well-being (transparency of sharing information) (Kelly, et al., 2007). To prevent this subterfuge, Foucault demands that the Self internalize self-regulation against such techniques. The Self’s fear of failure would lead to torture and control (as opposed to freedom) that resists conditioning through the Self’s creative destabilizing representations against conditioning. Propositional knowledge (codes, rules, obedience and conformity) can effectively control the Self. For example, a large organization can utilize a workplace health and fitness program to produce employees who would imagine themselves as corporate athletes with (corporate) sportsmanship. The corporate ‘truth regime’ was that the fitness program would advance ‘knowledge of the self’ (as defined by the organization), enhance self-performance and productivity. Globalized workers’ life worlds could be shaped through a process of individuation and normalization as a corporate athlete. The workers are not compelled, but drawn into these processes by their own work ethic/desire to enhance themselves and the organization. The powerful processes of individuation and normalization are teleological in requiring an individual to attain a corporate specified ‘knowledge of self’. Exploring the physical fitness of workers in corporate organizations through archaeology, we find that ICT promotes historical business practices of digitization, documentation and worker exploitation, as opposed to the Foucauldian self-reflexivity and self-forming activity and asceticism, i.e., renunciation of some parts of the self to be socially rational [18]. Corporate monitoring of the body is a common practice that promotes workers’ health registration, documentation and certification of bodily test scores for the good of their bodies at work. Foucauldian ‘confessions’ are at work when health experts hear workers’ or their athletic members’ confessions of behavioural/attitudinal sins of non-observance of health practices. The corporate code requires, and demands individual responsibility for health measurement and bodily appearance. Workers provide self-data through mutual observation and assessment of each other that the corporation routinely monitors. The penalty for missing the target is a range of material consequences related to the ways in which workers are able, or willing, to practice their freedom as corporate athletes. According to Foucault, individuals in this sort of situation should challenge/defy through Self’s reflexivity and self-forming activity. These are the modes of constituting the Self as an ethical being, that have four self-conduct dimensions: determining ethical substance; subjecting oneself to following ethical mode; pursuing ethical work; attaining ethical subject’s telos [19]. Foucault warns the individual to shape his moral conduct through self reflection, self-knowledge, and self-examination of Self as subject, which would provide the ways to reconfigure the means of unclenching the Self from objectification by power. Foucault’s archeology concludes that the idea of justice is an effect that “has been invented and put to work in different societies as an instrument of certain political and economic power or as a weapon against that power” [20]. Far beyond embodying the power to interdict breaches of rules, the law extends to governing the totality of individuals’ lives. The legal system disciplines the field of lives through trivial moments of exercise of power. Successive stages of such trivial intrusions in constructing and manipulating individuals, subject them to subtle strategies, unconsciously experienced but cumulatively reinforced as control over bodies. Law is complicit in the dominating form of modern power. While disciplinary power is used in collecting information about individuals, governmentality operates on particular groups, using the gathered information with statistical analysis, financial reports and population registers. Disciplinary power directly produces ‘normalized’ subjects by homogenizing them under the same norm and ensuring that any deviation would define the individual’s place among the group. Any deviation from this norm is not regarded as a minor transgression, but as a loss of an individual’s status [21]. Foucault argues that the Self’s creative representation must resist, destabilize the recognized structures of internal conditioning, and use resistance to gain individual autonomy. His notion of freedom is precisely a freedom to deconstruct authority. Foucault’s archeological and genealogical paths emphasize the urgency for self-reflexivity and resistance to transform and free the Self from docility. The powerful processes of individuation and normalization are teleological in that they require an individual to attain a corporate specified ‘knowledge.’ For instance, knowledge management (KM) is a corporate cultural technique used to condition the workers to share and disseminate their knowledge of production throughout the system. Technicians are tapped for procedural knowledge that is then added to the codified knowledge. Using ICT, workers’ tacit knowledge can be digitized and stored in a database which may be turned into information manuals or training materials for an organization.

#### Biopolitical norming leads citizens to internalize power relations and seek to match to the state-defined normal – questioning authority becomes impossible as social conformity is masked by a guise of personal agency

Parekh 13 [(Serena, Assistant Professor of Philosophy at Northeastern University) “Taking Hold of Life: Liberal Eugenics, Autonomy, and Biopower” Science, Politics, and Ontology of Life-Philosophy] AT

A liberal state is one that, in virtue of being neutral on questions of the good life, allows its members the autonomy to develop and seek out the good for themselves. A liberal state thus only intervenes in the lives of people by guaranteeing basic rights so that they are able to attain their chosen good in a fair and equal way. As noted above, it is the absence of state coercion that makes liberal eugenics liberal and hence, for many, morally acceptable. Here freedom is understood as a lack of state coercion. For authors like Nicholas Agar, one of the leading proponents of liberal eugenics, liberal eugenics is permissible because it is compatible with the rights of parents to choose what they think is best for their children. It is all the more compatible because liberal eugenics can be thought of as enhancing human autonomy insofar as it increases the range of choice for parents. For proponents of liberal eugenics the fact that it promotes and enhances autonomy and in no way violates individual rights means that it ought to be considered an ethically acceptable practice. 1 For many, this is the fundamental, decisive issue. On this view, because liberal eugenics does not violate autonomy, it ought to be seen as a morally acceptable practice and one which is promoted by states. It is not possible to constrain people’s choices by limiting enhancement within a liberal framework without smuggling in a substantive conception of the good (which is impermissible in a non-perfectionist liberal state). I will argue below that proponents of liberal eugenics employ an overly simplistic conception of autonomy and that if we understand autonomy through the lens of biopolitics, we will see that liberal eugenics raises important ethical questions. Biopower and autonomy In the account above, and in liberal political theory more broadly, autonomy plays a large role. But what makes a choice autonomous to begin with? That is, how do we arrive at a decision or a choice that is free, that is genuinely our own? The answer that is usually given to such a question contains two elements. First, it must not be coerced or manipulated by the state in any way. As Matthew Clayton puts it, “autonomy is essentially a matter of not having one’s informed choices coercively interfered with by others” (Clayton 2004, 191). Second, my choice must be “informed,” that is, it must be rationally deliberated upon, which implies a broad capacity to reason and a basic level of education that would allow me to do this in a suffi cient way. If these conditions are met, the choice that is arrived at is deemed autonomous. We can say, then, that autonomy involves two moments—the moment before we make our decision and the moment aft er. If both of these are suffi ciently free of coercion we can say that a decision was made autonomously. Th e focus of liberal political theory has largely concerned the second moment, the period aft er we have arrived at our decision. This is, in part, because liberal political theory is still based on a sovereignty model of power, a model that says that power is what comes from “on high” and is exercised negatively, through constraint. The power of a state lies in its ability to constrain, detain, and prevent us from fulfilling our freely arrived at decisions. The focus of biopolitics, by contrast, is on this first moment, but understood in a different way. According to this view, our choices are not purely self-generated just because they are not manipulated by the state. Rather, power is still operative in this context through norms and normalization. This is grounded on an alternative view of power, namely biopower. Biopower is power that impacts on all areas of life. According to Paul Rabinow and Nikolas Rose, biopower can be understood as “modes of subjectification, in which individuals can be brought to work on themselves, under certain forms of authority, in relation [to] truth discourses, by means of practices of the self, in the name of individual or collective life or health.” 2 Biopower is a “mode of subjectifi cation” in the sense that it is part of the way that we are formed as subjects. Biopower trains us in how to think about ourselves. We are formed through working on ourselves, under certain forms of authority, such as scientifi c or medical discourse or the pseudo-medical discourse oft en connected to cosmetic enhancements. To say that this occurs in relation to truth discourses implies that these forms of authority just mentioned have privileged claims to truth—to speak with the authority of science or medicine is to have unique access to the truth, a truth that remains fundamentally unquestionable. Finally, biopower is unique in that it is connected to the concept of health broadly construed—the health (physical, psychological, moral) of the individual or of a people, a state, or a group. Biopower as a practice on the self is always done in the name of this good. Th e concept of biopower emerges out of the work of Michel Foucault who observed that at the advent of modernity, the way that power operated within a state began to change. Rather than coming from on high by a monarch who exercised it through “taking away” things such as time, life, or the body, power became productive. Power became a matter of shaping and ordering, rather than impeding. Importantly, it was exercised at the level of life (both of the individual and the species) and took several distinct forms. Th e form of power most relevant to our discussion is disciplinary power. Disciplinary power was concerned with disciplining individual bodies, by optimizing their capabilities, increasing their usefulness, and making them more docile. Disciplinary power works not through imposing on the individual from a position of authority, but through letting the individual internalize what is demanded or expected of her so that she imposes it on herself. In other words, we work on ourselves in order to make ourselves conform to certain given norms because we know we will be, or could be, seen, judged, and hierarchized based on our ability to do this. It is in this sense that our bodies are both the objects and instruments of power. Oft en this is for our own benefi t—we become more productive, useful, better liked, and better able to fi t in. In all of these moments, power is at play but it is not experienced as a constraint on my freedom as a rational chooser. Rather, being disciplined is the very condition that allows me to make my decisions. Power here does not constrain me but produces me in a certain way; it does not harm me, but rather benefits me, allows me to fi t in, and rewards me for doing so. The subject on whom this power is operated is no longer the legal subject for whom death is the ultimate constraint and punishment; rather the subject is the living being for whom power is operative on the level of life itself. Power takes hold of life, rather than threatening death (Foucault 1990 , 143). What is essential for both biopower and disciplinary power is that they operate not primarily through law but through the norm , and as such, part of their power consists in normalization . The norm acts as a continuous regulatory and corrective mechanism. Unlike law, it does not wait until it has been violated to respond. Further, unlike the law, the norm does not threaten with punishment (although the penalties for violating the norm are oft en well known 3 ), but qualifies, measures, appraises, and hierarchizes. While it is true that laws also set up norms (e.g. the illegality of same-sex marriage upholds the norm of heterosexuality), the law functions primarily through punishment. Further, the norms that arise as a result of the law are but one way that norms appear—norms appear out of other historical and social practices as well (such as hospitals, schools, and prisons). I would like to reconnect this discussion of biopower and normalization with the topic of autonomy with which the previous section began. To do this, I would like to draw on the work of Susan Bordo who brings to light the impact of norms on autonomy. Bordo has written extensively on what motivates women to have cosmetic surgery and how women themselves understand their motivation. Bordo sees the pursuit of beauty especially through cosmetic surgery as a normalizing discipline that is masked behind a rhetoric of personal agency. What is so dangerous about this rhetoric is that it renders invisible the norms to which individuals are, in fact, aspiring—norms that oft en seek to eliminate diversity and perpetuate pernicious social norms connected to race and gender. In other words, behind the rhetoric of autonomy and self-empowerment lie the biopolitical norms discussed above that are active in shaping how we see ourselves and the decisions we make about our bodies, our lives, and our health. Though decisions about which plastic surgery to engage in are not dictated by the state, they nonetheless are not completely free and self-generated in the way that many people insist that they are. When women are asked why they are undergoing a particular plastic surgery, the answer, overwhelmingly, is “I’m doing it for me.” What is usually meant by this is that the individual is not doing it to please a boyfriend or husband, but to please herself. It is simply her preference that she seeks to satisfy. In such a statement, Bordo writes, the self is thought of as a “pure and precious inner space” that is untouched by external values and demands (Bordo 2007 , 193). Th at is, such a decision is thought of as being autonomous simply in virtue of the fact that the individual woman claims that it is. The very idea that a woman is, for example, having breast augmentation surgery in order to conform to social or cultural norms is oft en greeted with hostility and downright denial. Such a suggestion is thought to take away from the empowering possibilities of these surgeries. The result is an impasse, a failure to recognize that there is anything more than pure personal choice at work. In Bordo’s view, this obscures what is really going on in these decisions. The first thing that is masked with the rhetoric that we are fully in charge of our decisions is what she refers to as a “pedagogy of defect” (Bordo 2007 , 197). Women learn to see themselves and various parts of their bodies as being defective, faulty, or unacceptable. Th is of course goes on within a particular consumer culture that, not surprisingly, is able to off er the means that promise to cure the defect. It is a seamless package of defect and cure that has the added benefi t of allowing the individual woman to feel that she has been put in charge of her life and empowered. What this eff aces, however, is the question of what made the woman dissatisfi ed to begin with. What makes the normal standards for beauty normal? Bordo emphasizes that there is a consumer system operative that depends on our perceiving ourselves as defective in order for us to fi nd new ways to alleviate our defects; it is precisely this system that is masked through the language of personal empowerment or preference satisfaction. Second, what is masked with the language of personal empowerment and preference satisfaction is that cosmetic surgery is a normative cultural practice; it is not simply a matter of individual choice. Plastic surgery is normative in the sense that it sets the standard for what counts as an acceptable body or face. For example, if the unwrinkled face becomes the norm for older women, the decision to have a facelift becomes “free choice under pressure” (Bordo 2007 , 203). It is not that anyone, and certainly not the state, is forcing the individual to have surgery—there is no explicit coercion. But those who choose not to have the surgery may face certain social, professional, or personal disadvantages. Everyone’s face is judged, evaluated, hierarchized by the presence or absence of wrinkles. This is by no means exclusive to people of a higher socioeconomic level; indeed, most plastic surgeries are done by middle to lower income people who either go into debt or spend their savings (Bordo 2007 , 220 fn 9 and 10). More importantly, we learn to evaluate ourselves in these terms, deeming our own faces acceptable only when they are wrinkle free and young looking. Finally, the rhetoric effaces the disciplinary reality of cosmetic surgery—it is a practice that does not merely transform the individual, but normalizes her. Most individuals who have cosmetic surgery are trying to conform to a model of what is normal. We have internalized what is expected of us and through these practices we make ourselves conform to an image of what is normal. For example, women are normalized to Caucasian standards of beauty. African-American women, among other non-Caucasian groups, aim to conform to Caucasian norms of beauty such as straight hair. 4 For most of these women, this is perceived as merely a free choice or a preference to be satisfi ed. Yet this choice occurs within a cultural context of historical discrimination based on race. Bordo reminds us of the nineteenth-century “comb test” in which the only people who could enter a certain church or club were people who could pass a comb through their hair that hung outside the door. Th e choice of straight hair is not an arbitrary one. Th is remains true for other forms of plastic surgery such as reshaping of the nose, eyes, or particular body parts to be more in line with these Caucasian standards. For Bordo, individuals are “choosing” to assimilate ethnic and racial features to a white norm and these choices cannot possibly be taken to be simply individual preferences. Further, participation in a process of racial normalization makes it harder for others to refuse to participate; there is a high price to be paid for resisting a well-established norm.

#### The normalizing effects of modern power outweigh – bio-politics produces the conditions that allow all other violence to exist

Bevir 99 [Mark Bevir, Political Theory Reader at the University of Newcastle, “Foucault and Critique: Developing Agency against Autonomy”, Political Theory, Vol. 27, No. 1, February 1999, p. 65-84, JSTOR]

A key question raised by my account of a composed Foucault's concept of governmentality is, what constitutes a worthwhile form of agency? To appreciate just how vital this question now has become for us, we need only to recall the strength of Foucault's critique of the normalizing effect of modem power. Modern power is not violent since it passes through the consciousness of the individual in a way that entails a recognition of the other as an agent. Nonetheless, Foucault consistently argues that individuals in modern society typically use their agency only to regulate themselves in accord with social norms.33 Far from resisting the normalizing effects of power, they act so as to promote them. Moreover, Foucault clearly regards this as a bad thing, complaining, in particular, about the state having taken over the techniques of pastoral power. Sometimes his distaste for the normalizing effects of modern power even leads him to imply it is worse – more damaging – than overt violence. After all, violence is at least visible and honest, whereas modern power renders us insipid and uniform while pretending to liberate our true, inner selves. Power might be preferable to violence in that it recognises the other as an agent, but if the strength of modern power is such that the other uses his agency only to normalize himself, then perhaps we should prefer an honest violence to a deceitful power. It is this possibility that gives urgency to the question of what constitutes a worthwhile form of agency. We need forms of agency that resist not only the overt violence so often associated with the state, but, at least as important, the normalizing effects of a pastoral power taken over by the modern state. As Foucault insisted, "the political, social, philosophical problem of our days is not to try to liberate the individual from the state, and from the state's institutions, but to liberate us both from the state and from the type of individualization which is linked to the state."34 His work on an ethic of care for the self provides us with suggestions as to the types of resistance we need to develop in order to sustain such liberation.

#### Management of "deviant" lives is the root cause of mass violence – by categorizing populations into those worth living and those who must die, the biopolitical state eliminates groups according to a political agenda

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Having presented a reading of politics as the work of death, I turn now to sovereignty, expressed predominantly as the right to kill. For the purpose of my argument, I relate Foucault’ s notion of biopower to two other concepts: the state of exception and the state of siege.16 I examine those trajectories by which the state of exception and the relation of enmity have become the normative basis of the right to kill. In such instances, power (and not necessarily state power) continuously refers and appeals to exception, emergency, and a fictionalized notion of the enemy. It also labors to produce that same exception, emergency, and fictionalized enemy. In other words, the question is: What is the relationship between politics and death in those systems that can function only in a state of emergency? In Foucault’ s formulation of it, biopower appears to function through dividing people into those who must live and those who must die. Operating on the basis of a split between the living and the dead, such a power defines itself in relation to a biological field—which it takes control of and vests itself in. This control presupposes the distribution of human species into groups, the subdivision of the population into subgroups, and the establishment of a biological caesura between the ones and the others. This is what Foucault labels with the (at first sight familiar) term racism.17 That race (or for that matter racism) figures so prominently in the calculus of biopower is entirely justifiable. After all, more so than class-thinking (the ideology that defines history as an economic struggle of classes), race has been the ever present shadow in Western political thought and practice, especially when it comes to imagining the inhumanity of, or rule over, foreign peoples. Referring to both this ever-presence and the phantomlike world of race in general, Arendt locates their roots in the shattering experience of otherness and suggests that the politics of race is ultimately linked to the politics of death.18 Indeed, in Foucault’ s terms, racism is above all a technology aimed at permitting the exercise of biopower, “that old sovereign right of death.”19 In the economy of biopower, the function of racism is to regulate the distribution of death and to make possible the murderous functions of the state. It is, he says, “the condition for the acceptability of putting to death.”20 Foucault states clearly that the sovereign right to kill ( droit de glaive ) and the mechanisms of biopower are inscribed in the way all modern states function; 21 indeed, they can be seen as constitutive elements of state power in modernity. According to Foucault, the Nazi state was the most complete example of a state exercising the right to kill. This state, he claims, made the management, protection, and cultivation of life coextensive with the sovereign right to kill. By biological extrapolation on the theme of the political enemy, in organizing the war against its adversaries and, at the same time, exposing its own citizens to war, the Nazi state is seen as having opened the way for a formidable consolidation of the right to kill, which culminated in the project of the “final solution.” In doing so, it became the archetype of a power formation that combined the characteristics of the racist state, the murderous state, and the suicidal state.

#### **Sovereign power decides which lives matter and which ones don't – that exacerbates economic inequality and mass violence**

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There is an academic debate concerning the use of the term feminicide. 5 While some argue that the term is necessary to describe a particular type of physical violence, often involving the rape of women, others believe that it is too speciﬁc and does not address the relationship to other types of violence committed against men and children. Bolaño never uses the terms femicide or feminicide in 2666. However, I do think it is appropriate to use these terms to discuss his work given his obsession with describing violence against women, often involving vaginal and anal rape. His treatment of other violence is never equally detailed or graphic. The chapter ‘La parte de los crı´menes’ recounts the disappearance and murder of hundreds of women. For example, Mary Sue Bravo is looking for a friend, Kelly, who disappeared in Santa Teresa. She meets with detective Loya and asks him if Kelly is dead. Loya replies that she is ‘ma´s o menos muerto’ (779). What does it mean to be ‘more or less’ dead? In both the context of the novel and of the actual situation in Ciudad Jua´rez, it refers to the state of bare life of the victims, who are often considered ‘disappeared’ or ‘missing’ for years due to the ineptness of the police and/or other public institutions that fail to properly investigate, ﬁnd and identify victims of kidnapping and feminicide. Even before their death, Bolano describes in detail the economic circumstances and the lack of basic services that put the women in precarious circumstances. Often they work in maquiladoras, don’t make a living wage, and, due to lack of reliable public transportation (a real problem in Jua´rez), walk long distances to and from work. Bolaño employs Pedro Pa´ramo as a metaphor in 2666 to signal that Santa Teresa (Ciudad Jua´rez) is the 21st-century manifestation of the more or less dead. In the process, he demonstrates how the slow erosion of basic human rights contributes to the precarious situation of many citizens of Jua´rez. They exist in a state that Italian philosopher Giorgio Agamben describes in Homo sacer: Sovereign Power and Bare Life (1998) as ‘bare life,’ which he posits in juxtaposition to political existence. People who exist in the state of bare life have been excluded from the political workings of society and stripped of the rights that make them citizens. As Gavin Keeney describes, ‘What is truly exceptional in Agamben’s analysis is how this bio-political frontier has been crossed today in the form of all life becoming bare life – or, how present-day politics and the metamorphosis of nation-states to economic machines has led to citizens being de facto exiles within states.’ In this state of bare life, Agamben describes the problem of ‘a primacy of the private over the public and of individual liberties over collective obligations’ (122). This essay explores the role of bare life in 2666 and argues that bare the economic roots of physical violence and the way in which victims are blamed for crimes. To understand the relationship between economic and physical violence requires a discussion of sovereign power. The distribution of sovereign power as seen in 2666 demonstrates time and again the ways in which the state makes its priorities clear through inaction. By doing nothing, by not enforcing laws, the state is in fact deciding which lives have value and which do not. In addition, there is a level of complicity between wealthy business owners and politicians that demonstrates the way in which sovereign power has become something shared by the parallel structures of government and big business, two powers that often deﬁne bare life, because, in excluding certain elements of the population, their own power grows. According to Agamben, the sovereign is the one who can proclaim the state of exception and relegate people to bare life. In 2666 it becomes evident that the sovereign or the State is an entity composed of various business and political interests, and that it is in their interest to employ economic violence (i.e., not paying a living wage, not providing basic services). Why does Bolaño reference Juan Rulfo’s Pedro Pa´ramo (1955), a quintessential novel that deﬁnes 20th-century Mexico? In interviews, Bolaño often spoke of his admiration for Rulfo,6 and in 2666 he mentions Pedro Pa´ramo to establish the relationship between Rulfo’s Comala, a town populated by ghosts, and his own Santa Teresa. The situation is not the same. The time period is not the same. However, the issue of disappearance in Santa Teresa makes it the modern version of Comala, a town populated by ghosts, the ghosts kept alive by unresolved crimes. In Pedro Pa´ramo, Juan Preciado goes to Comala to fulﬁll his mother’s dying wish, and there he ﬁnds a town haunted by ghosts. At the novel’s opening, he states, ‘Vine a Comala porque me dijeron que aca´ vivı´a mi padre, un tal Pedro Pa´ramo. Mi madre me lo dijo. Y yo le prometı´ que vendrı´a a verlo en cuanto ella muriera’ (5).7 In 2666, Amalﬁtano, who came to Santa Teresa with his daughter Rosa, asks a question that makes a clear reference to the opening lines of Pedro Pa´ramo: ‘¿que´ me impulso´ a venir aquı´? ¿Por que´ traje a mi hija a esta ciudad maldita? “¿Porque´ era uno de los pocos agujeros del mundo que me faltaba por conocer?” ¿Porque´ lo que deseo, en el fondo, es morirme?’ (252).8 There is an inversion of expectations in these two novels: in Pedro Pa´ramo Juan goes to Comala, a town which he believes, based on his mother’s descriptions, is a lovely place, whereas in 2666 Amalﬁtano is aware that Santa Teresa is a kind of hell before he moves there with his daughter. Amalﬁtano’s ﬁrst words in the novel are to admit that he does not know why he moved to Santa Teresa: ‘no se´ que´ he venido a hacer a Santa Teresa’ (211).9 Both Juan and Amalﬁtano ﬁnd themselves thrown into a kind of purgatory populated by the voices of the more or less dead. As Noquer Ferrer Marta and Carlos Guzma´n Moncada discuss, in Pedro Pa´ramo ‘el mensaje es claro y poderoso: por nuestras culpas, nuestra avidez de poder y dinero, nuestra crueldad y nuestra incomprensio´n, hemos convertido en purgatorio lo que antes era un paraı´so; hemos convertido en amargos los antes dulces frutos y nada tiene remedio’ (486).10 Whereas in Pedro Pa´ramo the literary innovation involves presenting the reader with dead characters while never making it fully clear that they are dead, in 2666 many women in Santa Teresa are dead or disappeared, but often the two concepts are entangled as bodies are people are maybe dead, maybe alive, or maybe missing. Valde´s discusses how ‘By setting his novel in Santa Teresa, a ﬁctional town in Sonora, rather than in Jua´rez, Bolaño was able to blur the lines between what he knew and what he imagined. But he was deeply concerned with understanding the circumstances facing Jua´rez and its inhabitants’ (13). 2666 represents the failure of the State to protect the basic rights of its citizens, a failure very much based on the reality of Jua´rez and the Mexican State. At one point, a resident of Santa Teresa explains: Bien – dijo el tipo canoso –. Compartire´contigo tres certezas. A: esa ciudad esta´ fuera de la sociedad, todos, absolutamente todos son como los antiguos cristianos en el circo. B: los crı´menes tienen ﬁrmas diferentes. C: esa ciudad parece pujante, parece progresar de alguna manera, pero lo mejor que podrı´an hacer es salir una noche al desierto y cruzar la frontera, todos sin excepcio´n, todos, todos. (339)11 He asserts that everyone is living outside society, because the citizens of Santa Teresa do not have access to the basic rights of citizenship (justice, police protection, access to clean water, electricity, sewage, etc.) and have been cut off from the right to participate in political life. They have been silenced, made into a living absence, their voices and their actions negated in life. According to Agamben, ‘Bare life remains included in politics in the form of the exception, that is, as something that is included solely through an exclusion’ (10). The murdered and disappeared women in 2666 are representative of bare life, of inclusion only through exclusion. In an essay on the meaning of absence and silence in the representation of violence in Ciudad Jua´rez, Jorge Torres Sae´nz argues thA2 El objeto, como mercancı´a a consumir, promete traer consigo una signatura fantasma´tica: la promesa de una vida que valga ma´s. Si en este desplazamiento del objeto, la jerarquı´a sacerdotal perdio´ autoridad y poder, el Estado no resulto´ menos dan˜ado en una operacio´n por la que el individuo es hoy considerado ma´s, en te´rminos de su poder de consumo, que en su condicio´n de ciudadanı´a. (138)12 In the case of 2666 the bodies of feminicide victims are marked by anonymity, by their lack of value in the market known as citizenship. For example, many of the victims are described in this anonymous manner: ‘La primera muerta de mayo no fue jama´s identiﬁcada, por lo que supuso que era una emigrante de algu´n estado del centro o del sur que paro´ en Santa Teresa antes de seguir viaje rumbo a los Estados Unidos. Nadie la acompan˜aba, nadie la echo´ en falta’ (450).13 For the victims of violence in 2666, their status and value in society are clearly marked: they are migrants, dark-skinned women, and maquiladora workers, and their clothing and makeup is exquisitely detailed and cataloged to provide evidence that they are potential prostitutes, that they exist outside the realm of acceptable citizens who merit a police investigation into their murders. These victims of physical violence are often subject to economic violence that makes them more vulnerable. The term ‘economic violence’ appears in a 2010 interview with Jua´rez photojournalist Julia´n Cardona. He discusses the photo essay Jua´rez: The Laboratory of 4 LATIN AMERICAN CULTURAL STUDIES Downloaded by [Alice Driver] at 10:09 18 February 2014 Our Future (1998) with text by Charles Bowden and photos by Cardona and other photographers. As Cardona explained, in the photo essay: Bueno, hay fotos de violencia fı´sica evidente, pero tambie´n hay fotos de violencia econo´mica evidente. Cuando esta´s retratando a una sociedad en la que el sistema econo´mico es totalmente inoperante, debes considerar no so´lo la violencia fı´sica que se produce tal sociedad que es totalmente desigualitaria, sino tambie´n la violencia econo´mica que da vı´a a la primera. Por ejemplo, para mostrarte algo, al inicio del libro en esta fotografı´a hay una casa de carto´n hecha con desechos de la maquiladora con una nin˜a mostrando una mun˜eca raı´da. Esto es tan violento como esta imagen de Jaime Bailleres [la cara de una mujer muerta, violada, quemada]. (‘En Jua´rez la fotografı´a como tal muestra sus lı´mites’)14 The way that Cardona equated a dead woman with a house built of cardboard, arguing that both were representative of violent acts, was a relationship echoed in several interviews about Jua´rez. In an interview about his ﬁrst documentary Bola negra: El musical de Ciudad Jua´rez(2013) Mexican writer Mario Bellatin said he arrived in Jua´rez to ﬁlm and realized that ‘es mentira que es un estado fuera de control, que la violencia se ha exacerbado, que va a tratar de combatirla. No, es un gran negocio. Esta´ todo armado. Esta´ todo perfecto. O sea es una sociedad perfecta’ (Personal interview, Oct. 24, 2013).15 He described Juarez as representative of a particular sort of postmodern horror, one that could be seen in other regions such as Palestine. He explained, ‘Nada esta´fuera de control. Nada esta´ que se ha excedido. Sino que ası´como esta´funcionando en medio de este horror es lo que hace posible que muchas personas saquen ganancias.’16 The problem in Jua´rez is that the State is absent (inaction says as much about the state of rights as action and what is not done carries equal weight to what is) in providing basic rights to citizens. The situation described by Bellatin is similar to how Agamben describes the state of exception. According to Agamben, the state of exception ‘is thus not the chaos that precedes order but rather the situation that results from its suspension.’ Bellatin describes chaos as something orchestrated by the State, by the lack of action of the State (an orchestrated inaction). He also emphasizes that the inaction and absence is tied to capitalist interests. In 2666 the State fails to provide basic rights to its citizens, judging people and bodies on the basis of a system of implied economic values (the value of dark skin, of red ﬁngernail polish, of a lacy thong, of a woman’s body being discovered in a particular part of the city). 2666, although it is rooted in Santa Teresa, is a critique of international systems and ﬂows of value, of the way horror ﬂows through time and place, moving location throughout time, but never lessening. Santa Teresa ties the entire 1,000-page narrative together, but the ﬁnal chapter of the novel, ‘La parte de Archimboldi,’ where the narrator explores the horrors of World War II, asks the reader to recognize that horror is not a location, is not Santa Teresa (is not Ciudad Jua´rez): it is a human condition. As A´ngeles Donoso Macaya discusses, 2666 mirrors horror in both style and form, representing it as both international and timeless: Por un lado, la ﬁccio´n de 2666 se construye a partir de laexhibicio´n macabra de los excesos de la violencia y el mal en sus distintas formas, tanto dome´sticas como estatales. Esta violencia es ejercida en los cuerpos de numerosas mujeres y jo´venes en una ciudad fronteriza mexicana, Santa Teresa, y en los cuerpos de centenares de judı´os griegos en un pueblo de Europa del Este durante la Segunda Guerra Mundial. Por otro lado, la violencia es reproducida en la escritura a partir de la repeticio´n de los fragmentos en los cuales el narrador describe e identiﬁca a cada una de las vı´ctimas de los distintos crı´menes. (132)17 In 2666 the violence against women in Santa Teresa and that committed against Greek Jews in a European city is mirrored in a way that points out how the concept of bare life can be applied to any population to exclude them to the point of death. Agamben explains that, At once excluding bare life from and capturing it within the political order, the state of exception actually constituted, in its very separateness, the hidden foundation on which the entire political system rested. When its borders begin to be blurred, the bare life that dwelt there frees itself in the city and becomes both subject and object of the conﬂicts of the political order, the one place for both the organization of State power and emancipation from it. (7) How is this state of exception achieved in 2666? The 108 female victims meticulously described in ‘The Part About the Crimes’ are categorized as an exception by being described by the police and citizens as prostitutes, a categorization that is used to explain and dismiss the violence leveled against them. In 2666, the city of Santa Teresa is populated by characters, predominantly women, who make the products the global market demands, and yet, at the same time, the value of their own lives is so slight that they live on the periphery of everything (of the city, of access to basic rights and services). The characters in Santa Teresa such as Amalﬁtano and his daughter Rosa are deﬁnitively alive. However, the quality of their lives and those of other citizens is put into question when people and places are constantly described in the context of death. For example, Bolaño showcases his continued obsession with cemeteries when the narrator describes how ‘La Universidad de Santa Teresa parecı´a un cementerio que de improviso se hubiera puesto vanamente a reﬂexionar’ (239).18 This obsession was ﬁrst evident in Los detectives salvajes, where the inspiration for the title 2666 can be found. At another point, Fate, a journalist who visits Santa Teresa, describes the city as ‘entre un cementerio olvidado y un basurero’ (362).19 The citizens of Santa Teresa, the more or less dead, populate a cemetery, a place where warm bodies exist and have some function, but where they are relegated to bare life. They are an absence, a silence – those devalued bodies. They speak to us about what cannot be done, about what the market does and does not allow, about the geographies of poverty, about where feminicide victims live (informal housing on the periphery), where they walk (long distances late at night or in the early hours of the morning to arrive at menial paying jobs), and how their bodies are read like treatises, as if underwear and makeup were formal discourses on guilt. For example, the last body discovered by the police in the chapter discussing 108 feminicides is described as, ‘El cuerpo estaba desnudo, pero en el interior de la bolsa se encontraron un par de zapatos de taco´n alto, de cuero, de buena calidad, por lo que se penso´ que podı´a tratarse de una puta’ (790 –91).20 Although the narrator of 2666 tries to give names and ﬁll in the outlines of the lives of the murdered women, their lives, like their deaths, remain skeletal frames that invite the imagination to run wild. Were their organs harvested? Did they form part of a satanic sex ritual? Were they prostitutes? In the absence of facts, the ghosts that haunt assume various forms. The citizens of Santa Teresa can be categorized as ‘more or less dead’ in three different ways: (1) they are alive but poor and thus denied the rights of citizenship, leaving them in a state of being politically ‘more or less dead’; (2) they are among the hundreds or thousands of disappeared women and men whose disappearance has gone uninvestigated, thus nobody knows if they are dead or alive, leaving them ‘more or less dead’; (3) they have been murdered, but their deaths have not been investigated nor their bodies identiﬁed, leaving them also ‘more or less dead.’ As Avery Gordon, the author of Ghostly Matters, notes, ‘Death exists in the past tense, disappearance in the present’ (113). Haunting is a seemingly unquantiﬁable phenomenon, for how can one prove that it exerts inﬂuence on the living, that it, in fact, can be yielded to inﬂuence the basic rights of citizenship? In the case of Santa Teresa/Ciudad Jua´rez, the unresolved nature of the crimes leads to a haunting in which citizens are both driven to understand the nature of the crimes and conversely reminded of the continual failures of the justice system to protect even their minimum rights as citizens. According to Gordon, ‘Haunting is a constituent element of modern social life. It is neither premodern superstition nor individual psychosis; it is a generalizable social phenomenon of great import. To study social life one must confront the ghostly aspects of it’ (7). These ‘ghostly aspects’ have a real inﬂuence on the way citizens experience and access basic human rights. They also motivate a complex web of writers, human rights activists, academics, ﬁlmmakers, and other artists to engage with those ghosts. And they do this in spite of the fact that ‘The disappeared have lost all social and political identity: no bureaucratic records, no funerals, no memorials, no bodies, nobody’ (Gordon 1996: 80). Gordon introduces to the paradox of haunting the power to be found in invisibility, in disappearance, in being ‘more or less’ dead. The devaluation of life in Santa Teresa begins with an absence, with the lack of basic services that provide citizens with a safe, stable living environment. For example, in 2666 a neighborhood where one of the feminicide victims lived is described in the following terms: La mayorı´a de las casas de la parte norte de la colonia Guadalupe Victoria carecen de luz ele´ctrica. Las salidas del parque industrial, salvo la que conecta e´ste con la carretera a Nogales, tambie´n son deﬁcitarias tanto en el alumbrado como en la pavimentacio´n, ası´ como tambie´n en su sistema de alcantarillas: casi todos los desperdicios del parque van a caer en la colonia Las Rositas, donde forman un lago de fango que el sol blanquea. (469)21 Feminicide victims in the novel are characterized by acts of economic violence such as lack of electricity, sewerage, paved roads, and running water, all elements that leave women in a precarious situation considering that many of them work later or early shifts and travel long distances on foot and in public transportation. These absences are complemented by silences, the silence of legal and political bodies when confronted with their own shortcomings, the silence of the police who fail to investigate the murders, the silence of the judges who imprison men for crimes without producing any point of forgetting. For example, in 2666 the local media gives more attention to the case of an attacker of churches who pisses inside sacred spaces than to the murders of women: ‘El ataque a las iglesias de San Rafael y San Tadeo tuvo mayor eco en la prensa local que las mujeres asesinadas en los meses precedentes’ (459).22 Bolaño forces readers to examine what lives and what stories are assigned worth in our culture, in essence, what stories we demand, what stories we devour. Mario Bellatin, when interviewed about Bola negra, his musical documentary about violence in Ciudad Jua´rez, discussed the myth of senseless and uncontrolled violence in the city.23 He talked about the double exclusion of citizens, one in which the most impoverished sectors of society are subject both to physical violence and later to the criminalization of the victim. Bellatin explained, ‘Y entonces todos estos problemas se convierten como en un asunto de una poblacio´n indefensa, que se pelean entre ellos y pues una crueldad au´n mayor de este gobierno cuando trata de criminalizar a las vı´ctimas. O sea, no solamente te matan sino que eres ano´nimo y encima eres criminal o sea tu´ tienes la culpa de haberte muerto. Eso es algo sumamente perverso’ (Personal Interview, Oct. 24).24 This act of simultaneously being killed/criminalized/made anonymous is exactly what Agamben discusses. As he explains, It is as if every valorization and every ‘politicization’ of life (which, after all, is implicit in the sovereignty of the individual over his own existence) necessarily implies a new decision concerning the threshold beyond which life ceases to be politically relevant, becomes only ‘sacred life.’ Every society sets this limit; every society – even the most modern – decides who its ‘sacred men’ will be. (139) In the case of Jua´rez and 2666 the ‘sacred men’ are written off as criminals, making their death self-explanatory and therefore freeing institutions like the police and the justice system from any form of investigation. The narrative of unexplained violence, of disappeared bodies, of prostitutes on dark streets and narcos who behave like beasts, is one that allows the State to shirk its responsibilities, to claim that such inhuman actions, such horror, is both outside its realm of control and also a horror that involves the murder of people who already deserve to be killed. Bellatin discussed the importance of Bolaño’s 2666 and argued ‘yo siento que es el u´nico homenaje que han recibido las victimas, las muertas de Jua´rez, sobre todo en la seccio´n de 2666 donde les da cuerpo, les da nombre a estas muertas ano´nimas. Es algo espantoso el anonimato, es algo que va ma´s alla´ de la muerte. Siempre son cifras o nu´meros’ (Personal Interview, Oct. 4).25 The importance of combating the anonymity of the victims is tied to the need to break the narrative of criminalization of victims, a pattern in which Bellatin described how ‘En este caso el gobierno en los u´ltimos tiempos trato´ de criminalizar a todas las victimas, a decir a parte de que los mataron eran delincuentes que es un poco la estrategia u´ltima, esta´ bien que se mueran porque estaban dedicados a algu´n tipo de actividad ilı´cita’ (Personal Interview, Oct. 4).26 Part of what makes 2666 so powerful is that the violence that consumes the novel is based closely on the real phenomenon of feminicide in Ciudad Jua´rez

#### Thus the plan –

#### Resolved: Public colleges and universities in the United States ought not restrict constitutionally protected speech to free speech zones.

#### Free speech zones limit student discourse and should be prohibited

Hudson 16 [(David L. Hudson Jr. is a First Amendment expert and law professor who serves as First Amendment Ombudsman for the Newseum Institute’s First Amendment Center. He contributes research and commentary, provides analysis and information to news media. He is an author, co-author or co-editor of more than 40 books, including Let The Students Speak: A History of the Fight for Free Expression in American Schools (Beacon Press, 2011), The Encyclopedia of the First Amendment (CQ Press, 2008) (one of three co-editors), The Rehnquist Court: Understanding Its Impact and Legacy (Praeger, 2006), and The Handy Supreme Court Answer Book (Visible Ink Press, 2008). He has written several books devoted to student-speech issues and others areas of student rights. He writes regularly for the ABA Journal and the American Bar Association’s Preview of United States Supreme Court Cases. He has served as a senior law clerk at the Tennessee Supreme Court, and teaches First Amendment and Professional Responsibility classes at Vanderbilt Law School and various classes at the Nashville School of Law), "How Campus Policies Limit Free Speech," Huffington Post, 6/1/2016] AZ

Restricting where students can have free speech

In addition, many colleges and universities have free speech zones. Under these policies, people can speak at places of higher learning in only certain, specific locations or zones. While there are remnants of these policies from the 1960s, they grew in number in the late 1990s and early 2000s as a way for administrators to deal with controversial expression. These policies may have a seductive appeal for administrators, as they claim to advance the cause of free speech. But, free speech zones often limit speech by relegating expression to just a few locations. For example, some colleges began by having only two or three free speech zones on campus.​ The idea of zoning speech is not unique to colleges and universities. Government officials have sought to diminish the impact of different types of expression by zoning adult-oriented expression, antiabortion protestors and political demonstrators outside political conventions. In a particularly egregious example, a student at Modesto Junior College in California named Robert Van Tuinen was prohibited from handing out copies of the United States Constitution on September 17, 2013 - the anniversary of the signing of the Constitution. Van Tuinen was informed that he could get permission to distribute the Constitution if he preregistered for time in the “free speech zone.” But later, Van Tuinen was told by an administrator that he would have to wait, possibly until the next month. In the words of First Amendment expert Charles Haynes, “the entire campus should be a free speech zone.” In other words, the default position of school administrators should be to allow speech, not limit it. Zoning speech is troubling, particularly when it reduces the overall amount of speech on campus. And many free speech experts view the idea of a free speech zone as “moronic and oxymoronic.” College or university campuses should be a place where free speech not only survives but thrives.

#### Student protests opens up local spaces of freedom that re-evaluate the relationship between power and knowledge

Thiele 90 [Leslie Paul Thiele, Assistant Professor of Political Science at Swarthmore College, “The Agony of Politics: The Nietzschean Roots of Foucault’s Thought”, The American Political Science Review, Vol. 84, No. 3, September 1990., 907-908]

Critiques and apologies of the work of Michel Foucault are remarkably uniform in character. Apologists generally attempt to convey the sense of liberation achieved through Foucault’s deconstruction of the subject, of history, and of the modern mechanisms of power/knowledge. Foucault’s readers feel challenged to free themselves from constraining and cooptive metadiscourses, such as (the early or evolved versions of) Hegelianism, Marxism, liberalism, and Freudianism. One is not to take part in the anthropologization of thought;, which, asserted Foucault, has dominated Western minds since Kant. One is to refuse to define humanity in metaphysical, historical, economic, juridical, or sexual terms. Indeed, humanity must not be defined at all. The modern discourse of humanity, of its truth and its ultimate liberation, must be left behind. In large parts, this resistance to anthropological essentialism constitutes what might be called Foucaultian liberation. For in the modern world the most insidious forms of power are shown to be productive forces engaged in the subjection of their participant victims. Modern power not only restricts, it incites—and does so by means of administering over the self-definition of its subjects. However, because social and political life entails an ongoing imposition of definition, an escape from subjectification is impossible. Resistance to its forces remains the only alternative. Freedom, Foucault maintained, must be understood as resistance to the institutions of power, as the antimatter of power. Freedom is less a state of being, characterized traditionally by the absence of repression, domination, and exploitation than a kind of activity in the nexus of opposing forces. Resistance cannot exist without power any more than power can exist without resistance. Freedom emerges as the product of this symbiotic relationship. What glimpses of freedom are available to us in local and specific acts of insurrection and insubordination, however, are to be attained only after a sobering reevaluation of the potency, productivity, and limitless domain of power/knowledge. The alternative to such sobriety is to remain in thrall to the opiate belief in absolute emancipation. Then, in the delusory struggle for such unlimited freedom, one would unwittingly reinforce one’s attachment to the stratagems of power/knowledge, as the frenzied movements of a newly captured fly only serve to entangle it hopelessly in the spider’s web. Recognition of power/knowledge, Foucault’s defenders maintain, is a form of liberation in itself.

#### The First Amendment only protects the structural framework for public discourse.

Weinstein 11 – James Weinstein, Amelia D. Lewis Professor of Constitutional Law, Sandra Day O'Connor College of Law, Arizona State University: 2011(PARTICIPATORY DEMOCRACY AS THE CENTRAL VALUE OF AMERICAN FREE SPEECH DOCTRINE, Virginia Law Review Vol 97:3 p.3, Available at <https://web.law.asu.edu/Portals/31/Weinstein_UVA_May_2011.pdf> Accessed on 12/14/16)IG

As Professor Robert Post's pioneering work has demonstrated, this extremely rigorous protection applies primarily within the do- main of "public discourse." Public discourse consists of speech on matters of public concern, or, largely without respect to its subject matter, of expression in settings dedicated or essential to democratic self-governance, such as books, magazines, films, the internet, or in public forums such as the speaker's corner of the park. It is in this realm that the people-the ultimate governors in a democracy-can freely examine and discuss the rules, norms, and conditions that constitute society. Precisely because public discourse in the United States is so strongly protected, however, the realm dedicated to such expression cannot be conceived as covering the entire expanse of human expression. Just as it is imperative in a democracy to have a realm in which any idea, practice, or norm can be questioned as vituperatively as the speaker chooses, there must be other settings in which the government may efficiently carry out the results yielded by the democratic process. Accordingly, in set- tings dedicated to some purpose other than public discourse-such as those dedicated to effectuating government programs in the government workplace," to the administration of justice in the courtroom," or to instruction in public schools the government has far greater leeway to regulate the content of speech.

It is not just the content of the speech that determines whether the expression will be highly protected as public discourse, but also the setting or medium in which the expression occurs." In modern democratic societies, certain modes of communication form "a structural skeleton that is necessary, although not sufficient, for public discourse to serve the constitutional value of democracy”. For this reason, "it [is] assumed that if a medium [is] constitutionally protected by the First Amendment, each instance of the medium would also be protected." The importance of the medium in which a given instance of speech occurs to democratic self- governance is, in my view, the best explanation of why the Su- preme Court rigorously protects nudity in film and cable television-media that are in its view part of the "structural skeleton" of public discourse-but not in live performances by erotic dancers on the stage of a "strip club."

### Framework – SV

#### The standard is minimizing structural violence

#### 1. Global justice requires a reduction in inequality and a focus on material rights

Okereke 07 [Chukwumerije Okereke (Senior Research Associate at the Tyndall Centre for Climate Change Research at the University of East Anglia). Global Justice and Neoliberal Environmental Governance. Routledge 2007] AJ

Notwithstanding these drawbacks, these scholars provide very compelling arguments against mainstream conceptions of justice. In this approach, the obli- gation of justice is derived from the moral equality of human beings irrespective of their race, creed and nationality (O'Neill 1991; Brown 1992: 169; Beitz 1979; Sen 1999). The emphasis is on the positive rights of citizens - that is the kinds of rights that require state authorities to do something in order to provide citizens with the opportunities and abilities to act to fulfil their own potential - as opposed to negative rights/liberty, which refers to freedom from coercion and non-interfer- ence. The notion of justice as meeting needs, as seen in Chapter 2, figures very prominently in quite a number of the influencing materials that form the starting point for the discourse on global sustainable development. It has been suggested, in general, that this idea of justice is 'increasingly influential on non-governmen- tal organizations and the community of international policy makers' (Brighouse 2004: 67). In general, proponents of justice as need criticize liberal ideas of justice for concentrating on political equality (equal right to speech, vote, etc.) without addressing the problem of material equality - especially in the form of equal access to resources. They also claim that the ability to own property as well as the ability to exercise political rights (say the right to vote) depends first and foremost on the ability of citizens to function effectively. When the basic human needs of citizens, for example food, are not being met, other rights become merely 'hypothetical and empty' (Sen 1999: 75). Following on from this basic reasoning, the rights approach to justice is rejected and, in its place, human basic need is seen as the correct basis of political morality and the right benchmark for the determination of political judgment (Plant 1991: 185). In previous sections we saw that libertarian notions of justice sanction unlimited material inequality between citizens, provided that each person has obtained their possessions through legitimate means. All that matters is that the state should ensure fair rules of transitions and equality before the law. We saw also that liberal accounts of justice, especially Rawls' liberal egalitarianism, reject this formula- tion of justice because it does not secure the welfare of the less able in society. On the contrary, Rawls recommends that political institutions should be structured in ways that protect the interests of the least advantaged individuals in society. Accordingly, he sanctions societal inequities provided that such inequities work to the advantage of the least well-off. On closer reading, however, it turns out that Rawls difference principle (that inequities should work in favour of the least well- off) does not contain any explicit demand relating to the basic needs of the poor. As such, it is possible for Rawls' proviso to be met even when the least well-off in the society are denied their basic needs. For example, a distribution that changes from 20:10:2 to 100:30:4 satisfies Rawls difference principle but tells us noth- ing about the actual well-being of the least well-off. So, whereas some (mainly libertarians) criticize Rawls for not specifying the extent to which other people's liberty can be sacrificed for the sake of the least well-off, others (proponents of justice as meeting need) criticize Rawls for leaving the fate of the least well-off unprotected. Many scholars in the latter group sometimes argue along Marxian lines that as long as the means of production remain in the hands of the 'haves' there is no guarantee that inequities will benefit the least well-off. Maslow (1968), Bradshaw (1972) and Forder (1974) have all consequently argued that only the theory of need provides, as Maslow (1968: 4) puts it, 'the ultimate appeal for the determination of the good, bad, right and wrong' in a po- litical community. Without the theory of need, they say, it would be impossible to justify the welfare state in capitalist Western democracies. On the other hand, the co-existence of welfare and capitalism confirms the place of need as the criterion of moral political judgment. O'Neill (1991), Sen (1999) and Nussbaum (2000) have all extended versions of this argument to the international domain. O'Neill (1980, 1991) argues that adherence to the Kantian categorical imperative entails that the global community must act to remove the aching poverty and famine that threaten the existence of millions of people in developing countries. Sen (1999), for his part, calls for the strengthening of international institutions to make them able to assist the least well in the global society to achieve the measure of actual living that is required for the basic function and well-being of citizens. For Sen, as for O'Neill, all forms of liberty and rights are meaningful only when people have the substantive 'freedom to achieve actual living' (Sen 1999: 73; cf. O'Neill 1989: 288; 1986). Thomas Pogge also places emphasis on human basic need and starts his well-known book World Poverty and Human Rights with the rhetorical ques- tion: 'How can severe poverty of half of humankind continue despite enormous economic and technological progress and despite the enlightened moral norms and values of our heavily dominant Western civilization?' (Pogge 2002: 3). Many environmentalists believe that this is the conception of justice most con- sistent with the Bnmdtland version of sustainable development (Dobson 1998; Benton 1999: 201; Langhelle 2000: 299). This assertion is not difficult to sustain because the Bnmdtland Report contains several explicit arguments that firmly link the concept of sustainability with meeting the needs of the global population. It says, for example: The satisfaction of human needs and aspirations is the major objective of sustainable development. The essential needs of vast numbers in the develop- ing countries - for food, clothing, shelter, jobs - are not being met, and be- yond their basic needs, these people have legitimate aspirations for improved quality of life .... Sustainable development requires meeting basic needs of all and extending to all the opportunity to satisfy their aspirations for a better life. (WCED 1987: 43).

#### Outweighs

#### Arbitrariness – It’s morally arbitrary to hold people responsible for what they can’t change. Treating poor people differently than others is thus morally arbitrary, destroying the foundations of a theory.

#### Any theory that condones an unequal global order should be rejected since it would not be accepted by those at the bottom – this makes it useless as a political philosophy, which must be publicly justifiable since people can reasonably disagree with any justification for a principle given the wide variety of warranted moral frameworks

#### 2. Their frameworks start from the position of equal access which is not actually met, obligating us to correct injustice

Bruenig 14 [(Matt, cites political theorist Charles Mills) “Charles Mills on White Liberalism”] AT

One such methodological assumption, Mills argues, is the assumption that the proper way to philosophize about political justice is through the use of "ideal theory." Under an ideal theory approach to theorizing about politics, the requirements of justice are derived by imagining how best to construct a system from scratch at the beginning of history. You see this ideal theory approach present in theorizing about the "state of nature," the "veil of ignorance", and the "original position" more generally. In all cases, you essentially construct an ideal society at the beginning of time and then use that ideal society to determine the justness of institutions in actually-existing societies and to prescribe ways to make those societies more just. The decision to use ideal theory to ferret out the requirements of justice is not, according to Mills, a neutral one. Instead, it is one that tracks the justice concerns of the white philosophers who comprise the tradition that continues to this day to rely on this method. For white philosophers, expository devices that operationally exclude all of history pose no particular problem. History is largely irrelevant to the kinds of justice concerns that press upon white populations. To the extent that it is relevant, it's only marginally so and therefore easily relegated to an after-the-fact special consideration that is separate from the core theories. This is not the case for non-whites as the ghosts of historical injustices heavily factor into their present justice needs. For these populations, the issues of rectificatory and reparative justice are not secondary issues best treated as footnoted exceptions. Rather, they are center stage. Whereas white philosophers operating in the racially-exclusionary liberal tradition find it most fitting to start with ideal theory and then move on to non-ideal historical problems as a side issue, a less racially-biased philosophical tradition would go in the reverse order. Abstract thought experiments that walled off history (as in ideal theory) would at minimum be replaced with ones that fully included history into their considerations. Instead of asking, as in Rawls, what kind of political institutions people would select at the beginning of time if they didn't know who in that society they'd wind up being, you would ask what kind of institutions those same people would select if they knew the society they would blindly enter into has a legacy of racist oppression that has set the stage for lasting racial disparities. That the liberal tradition continues to select the ideal theory approach to contemplating justice, even as it marginalizes the justice concerns of non-white people, is, according to Mill, a legacy of its racist origins and the philosophical methodologies those origins set in place.

### Module – Neoclassical Economics

#### Specifically, students protest neo-classical economics – movements challenge the glorification of intellectual monoculture 0f economics at universities

Inman 13 [Phillip Inman (economics correspondent), "Academics back students in protests against economics teaching," The Guardian, 11/18/2013] AZ

A prominent group of academic economists have backed [student protests against neo-classical economics teaching](https://www.theguardian.com/business/2013/oct/24/students-post-crash-economics), increasing the pressure on top universities to reform courses that critics argue are dominated by free market theories that ignore the impact of financial crises. The academics from some of the UK's most prestigious institutions, including Cambridge and Leeds universities, said students were being short-changed by their courses, and they accused higher education funding bodies of being a barrier to reforms. In a startling attack on the agencies that provide teaching and research grants, they said an "intellectual monoculture" is reinforced by a system of state funding based on journal rankings "that are heavily biased in favour of orthodoxy and against intellectual diversity". The academics said in a [letter to the Guardian](https://www.theguardian.com/education/2013/nov/18/post-keynesians-comeback) that a "dogmatic intellectual commitment" to teaching theories based on rational consumers and workers with unlimited wants "contrasts sharply with the openness of teaching in other social sciences, which routinely present competing paradigms". They said: "Students can now complete a degree in economics without having been exposed to the theories of Keynes, Marx or Minsky, and without having learned about the Great Depression." The attack follows protests at Manchester University. Students there, who formed the Post Crash [Economics](https://www.theguardian.com/education/economics) Society, said their courses did little to explain why economists failed to warn about the financial crisis and had too heavy a focus on training students for City jobs. Earlier this month an international group of economists, backed by the New York-based Institute for New Economic Thinking, pledged to overhaul the economics curriculum and offer universities an alternative course. At a conference hosted by the Treasury at its London offices, they pledged to have a first-year course ready to teach for the 2014-15 academic year that will include economic history and a broader range of competing theories. The debate over the future of economics teaching follows several years of debate about the role of academics, especially in the US, in providing the intellectual underpinning for the borrowing and trading binge ahead of the 2008 crash. Levels of private borrowing reached record levels in many countries and trades in exotic derivatives, often funded with debt instruments, soared to a point where few bank executives understood their exposure in the event of a credit crunch. Many economists, including the 2013 Nobel prize winner Robert Shiller, have argued that mainstream economics wrongly teaches theories based on maintaining openly competitive markets and that well-informed buyers and sellers eliminate the risk of asset prices rising beyond a sustainable level for a prolonged period. The academics, led by Professor Engelbert Stockhammer of [Kingston University](https://www.theguardian.com/education/kingstonuniversity), said: "We understand students' frustration with the way that economics is taught in most institutions in the UK. "There exists a vibrant community of pluralist economists in the UK and elsewhere, but these academics have been marginalised within the profession. The shortcomings in the way economics is taught are directly related to an intellectual monoculture, which is reinforced by a system of public university funding (the Research Excellence Framework and previously the [Research](https://www.theguardian.com/education/research)Assessment Exercise) based on journal rankings that are heavily biased in favour of orthodoxy and against intellectual diversity," they said.

#### Total faith in neoclassical economics guarantees environmental collapse – their tech-optimist lens fails to recognize the fundamental uncertainty, irreversibility, and path-independency of ecological systems

Althouse, Masters in economics, 2015 (Jeffrey, with advisors Carloes Young, Universidade Federal do Rio de Janeiro economics associate professor, Dany Lang, University of Paris 13 associate professor, and Eckhard Hein, Berlin School of Economics and Law professor, “Post-Keynesian Ecological Economics: Towards Greener Pastures,” EPOG Master’s Thesis, defended 6/23/15, p. 8-9, IC)

Neoclassical economics, however, has tended to perceive these ecological theories as masked neo­malthusianism, arguing that the creative capacity of entrepreneurs to find substitutes or create more efficient technology is virtually unlimited. Their analysis builds upon microeconomic foundations which necessarily separate the economy from the social and environmental spheres. Individuals are seen as perfectly forward­looking, boundlessly rational, and possessing perfect information within perfectly free and competitive markets. As such, price signals coordinate market actors to avoid potential environmental threats and achieve “equilibrium” (Douai, et al. 2012). Essentially, the neoclassical paradigm skirts past normative issues related to the environment because the market equilibrium is considered the social optimum. Market efficiency is turned from a socially constructed value into mathematical truism by assuming current individual preferences always trump collective (future) needs. At the core of Robert Solow’s (1973; 1974) neoclassical growth model, for example, lies the assumption that non­renewable material inputs could be easily replaced by labor or capital, thus allowing environmental concerns to fall by the wayside (Holt 2005). According to Solow (1974, p. 11) himself, through new technological capabilities and factor substitution, even complete destruction of natural resources could be rendered “an event, not a catastrophe”. The concept of sustainability becomes useful, therefore, only in as far as people protect what they value now as essential for well­being for future generations (Solow 1993), even if those values are incommensurate with their true nature (Norton 1995). In this view of sustainability, all goods are essentially fungible and replaceable with substitutes and natural elements are decontextualized from the systems upon which they depend and which depend on them, in turn. Concern for optimization and reliance on Say’s law have impacted some of the most influential climate models, distorting policy priorities by allowing smooth returns to equilibrium without significant social costs. Nordhaus (2008), for example, developed a model that is widely used in US policy discussions, finding that even without any abatement efforts, a social optimum is achieved. Increasing funding for climate mitigation merely means shifting spending currently destined for consumption, with no effect on investment expenditures and unemployment (Rezai et al 2012, p. 3). 2.2 The Benefits of the Post­Keynesian Paradigm While neoclassical economists have been stuck publishing under old dogmas, heterodox economists ­ and especially post­Keynesians ­ are particularly suited to understanding the intricacies of ecological problems. The post­Keynesian focus on historical time, path dependence, irreversibility, uncertainty and effective demand are particularly apt for environmental analysis. Furthermore, while there exists no universally accepted set of principles within the camp, post­Keynesians have also adopted more realistic set of microeconomic fundamentals that can similarly help to shed light on environmental issues (Lavoie 2009b). 2.2.1 Historical time, Path Dependence, and Irreversibility One of the most important aspects of the post­Keynesian lens for ecological economics is its understanding of time as a historical process. With historical time, present actions are endogenously determined through complex and organic processes which occurred in the past. This view is favored over “neo­-Walrasian” or “logical time” found in neoclassical models, in which all considerations are made instantaneously by market actors. As Harcourt and Kriesler (2012) point out, the recognition of historical time may actually be the foundational principle upon which post­Keynesian economics rests, opening up the field of vision to political, institutional, and environmental variables that intervene. The authors quote Joan Robinson, who defines post­Keynesian theory as “a method of analysis which takes account of the difference between the future and the past” (p. 1). Because of the focus on historical time, the conceptual “long run” is understood as a collection of short runs, which creates path dependency (Kalecki 1968, p. 263). Though long-­run equilibriums can exist, they are dependent upon past events and subject to both positive and negative shocks that do not necessarily bring the system back to its original starting point. Historical time therefore leads post­Keynesians to similarly focus on the irreversibility of time and actions in hysteretic systems. Hysteresis in post­Keynesian analysis is a particularly strong 1 form of path dependency because, rather than converging to a single equilibrium, 1) multiple equilibria are achievable for different variables while 2) paths are dependent on previous cumulative outcomes from other time periods (Kronenberg 2010b, p. 4; Holt 2005, p. 6). 2 From an environmental standpoint, growth can therefore be limited in the future either by pollutants released presently, industrial lock­-in of resource use, or gradual degradation achieving critical thresholds. The sustainable development path of an economy away from a scarce resource today (eg. fossil fuels) may make it all the more susceptible to environmental shocks from something else further down the road (eg. scarce minerals used in solar panels). For this reason, some heterodox economists have adopted evolutionary parameters into their models to demonstrate path dependency even along environmental lines. Van den Bergh et al. (2006) demonstrate the microeconomic foundations of evolutionary economics as they apply to technological development in the context of resource scarcity. They cite the need to focus on structural changes which underlie growth, and the coevolution of systems which lead to innovation and selection of technologies, with some resources being over- or under- utilized by the market because of bounded rationality and path dependence. Some of these same principles may even stand in the way of lasting positive environmental change. A number of climate mitigation policies, for example, subsidies of clean energy, reliance on technical standards, support of public transport and even local solutions to climate change all can bring about a number of unintended rebound effects (so-­called “escape routes”) that lead to further structural shifts which may even worsen CO2 emissions in the long run (Van den Bergh 2012). 2.2.2 Fundamental uncertainty Because of historical time and the irreversibility of actions, Keynesian “Knightian” uncertainty is adopted over probabilistic risk. As Keynes puts it, one must “....distinguish what is known for certain from what is only probable. The game of roulette is not subject, in this sense, to uncertainty; nor is the prospect of a Victory bond being drawn. Or, again, the expectation of life is only slightly uncertain. Even the weather is only moderately uncertain. The sense in which I am using the term is that in which the prospect of a European war is uncertain, or the price of copper and the rate of interest twenty years hence, or the obsolescence of a new invention, or the position of private wealth owners in the social system in 1970. About these matters there is no scientific basis on which to form any calculable probability whatever. We simply do not know.” (Keynes 1937, p. 113­14) Not only does fundamental uncertainty in the Keynesian sense preclude the capacity for individual “optimizations” and rational expectation found in neoclassical analysis, but also muddies the water for policy recommendations related to how best direct environmental mitigation efforts on either the collective or individual scale (Aldred 2012). Indeed, ecological disasters are uncertain because the complex systems in which they develop serve to either reinforce their vigor in some cases (as in the “butterfly effect”) or blunt it in others. Nonlinearity is the rule, rather than the exception, in matters of the environment and serves to amplify the importance of uncertainty (Rockström, et al. 2009, p. 12). In many cases fundamental changes can occur almost instantaneously in natural systems where problems were nearly imperceptible for extended periods (Arrow et al. 2004). Reaching certain thresholds, in the case ocean acidification, for example, can cause whole colonies of organisms to collapse, with additional effects for other biomes. The full effects of warmer weather from climate change are even more unimaginable ­ reversal of tidal forces and currents, animal extinctions/relocations/evolutions, soil degradation, weather changes, etc. ­ and any attempt to fully calculate the risk of any one of these, let alone understanding their interconnectedness, would be bewildering. In essence, climate change is both the result and cause of Keynesian uncertainty about the future. It is partially a result of uncertainty because easily identifiable probabilities about its effects and the potential benefits of mitigation policies would likely spur coordinated action. Instead, leaders have tended to buckle down on “business as usual”, hoping that the best guesses of scientists about catastrophic fat tail scenarios have been incorrect (Gifford 2011). Climate change is a cause of uncertainty because the way in which it manifests, and will continue to manifest itself, is constantly modified by any number of environmental and economic variables, which themselves are altered by climate change, thus again transforming its ongoing effects, ad infinitum. The complexity of environmental interactions and general uncertainty about the future have led post­Keynesians to adopt a “strong sustainability” approach based on the precautionary principle and fixed factor proportions (Aldred 2012). That is, labor and human made capital do not easily replace each other in the short-­run, and generally serve as complements to, rather than substitutes of, natural capital. At its base, the precautionary principle requires either positive action if faced with threat of harm, and inaction if there is potential for that effort to cause harm. As such, Holt (2005, p. 184) has suggested that post­Keynesians adopt a model of sustainability that natural capital should never be depleted beyond sustainable yields, unless clear substitutes are available. This allows the desired stock of natural capital to be altered over time, along with the “buffer” level of sustainability to absorb shocks.

### Underview – Reasonability

#### Prefer reasonable aff interps and drop the argument on T. The judge should use reasonability with a bright line of the presence of link and impact turn ground for the negative. Since he has equal access to offense, there’s no abuse because structural access to the ballot is the same.

#### A. There are multiple legitimate interpretations of the topic and the aff goes into the round with no knowledge of 1NC strategy. I had to choose between mutually exclusive interps and the neg can always read T so don’t punish me for having to set grounds.

#### B. Increases topical clash by avoiding unnecessary theory; I am open to accepting neg interps provided they are reasonable and solves abuse on spec because I’ll clarify in CX.

#### C. I can’t read T on the aff and the NC is reactive, so he can always pick a T argument to read that adapts to the aff.

## Solvency Blocks

### A2 Cooption Turn

#### Just defense – movements don't exist now and dominant ideologies are strong –

#### Movements won't get coopted – empirics prove that they can criticize the administration and traditional authority – that's Williams

#### Movements aren't coopted by the academy – they remain bottom-up even if faculty and staff participate

Kezar 11 [Adrianna Kezar (Professor for Higher Education, University of Southern California), Tricia Bertram Gallant, and Jaime Lester, "Everyday people making a difference on college campuses: the tempered grassroots leadership tactics of faculty and staff," 2011] AZ

Theoretically, this study demonstrates the importance of the grassroots leadership literature and the tempered radical framework for understanding faculty and staff grassroots leadership. These frameworks are valuable lenses for interpreting the behavior and activities of these individuals on campuses and should be used in future studies. The few studies conducted have not drawn on any comprehensive conceptualization like the tempered radicals framework. In relationship to the grassroots leadership literature, the results of the study suggest that faculty and staff can create on-campus change, without positional authority, operate bottom up and challenge the status quo and dominant ways of thinking, operating as grassroots leaders. This study demonstrates that faculty and staff grassroots leaders can use many traditional grassroots techniques and modify them to an institutionalized setting. Faculty and staff leaders also customize the techniques to the type of institutionalized setting. We suggest that faculty and staff who wish to create change on their own campus consider using as many of these nine tactics as possible, keeping in mind those that best align with the particular institutional type and culture of their college or university. Many faculty and staff that we spoke with describe how it took them and their colleagues years to understand effective tactics for creating change, because they lacked knowledge about approaches to change from the bottom up that work. Trial and error, as they noted, was very time consuming and could sidetrack progress. All the information available on leadership is targeted to those in positions of authority and proved to be unhelpful to their work. Meyerson’s (2003) tempered radicals framework was also helpful to understanding faculty and staff grassroots leadership. First, it helped identify everyday leadership that is often ignored on campuses. We know when faculty or staff are involved in direct and overt activism, but are less aware of these more tempered efforts to create change. By engaging in a tempered grassroots leadership approach, grassroots faculty and staff leaders were able to fly under the radar and push forward changes. Oncampus grassroots leadership tactics can be grafted onto Meyerson’s continuum, from resisting quietly (most tempered) to organizing collective action (least tempered). For example, working through and with students, socializing new colleagues and including material within courses are ways in which faculty and staff quietly resist the status quo. Using tactics that would fall in the middle of the tempered continuum, faculty and staff got on important campus committees, influenced the hiring processes, had students present classroom assignments to the administration and offered public intellectual forums to openly persuade change. Finally, at the least tempered end of the continuum, faculty and staff occasionally stimulated curriculum changes, participated in student and staff protests and/or created public intellectual forums that directly addressed more controversial issues (such as white privilege). Faculty and staff also wrestled for years to identify when to use more or less tempered strategies, and others struggled to understand if tempered strategies could be effective. These faculty and staff may have worked in non-institutional settings or been student activists, and were drawn to radical tactics. Many faculty and staff tried less tempered approaches and experienced backlash. Understanding the importance of a continuum of strategies helped faculty and staff leaders to rethink their leadership approach and be more successful in meeting their goals. This study builds on the earlier literature on faculty and staff activism/leadership (for example, Astin and Leland 1991; Hart 2005, 2007, 2008; Theodore 1986). It identifies a much broader range of tactics than earlier studies that focus on only networks or mobilizing. The findings demonstrate a progression of tactics, that move groups from vision to consciousness raising to action. This study builds on earlier research in higher education by showing a range of connected tactics – not isolated sets of tactics – and demonstrates how each tactic is aligned with grassroots leadership goals. For example, faculty and staff create a vision for change through intellectual opportunities, classrooms and curricula, and professional development. Second, they raise consciousness through professional development, committee work and intellectual opportunities. Third, they form change networks and allies through established committees, intellectual opportunities, grants, hiring and professional development. Next, faculty and staff mobilize people and build coalitions of change agents by working with students and external stakeholders. Then they garner resources and support through grants and using data. And lastly, they persuade and partner by working with external groups, intellectual opportunities, grants and using data. This more coordinated and comprehensive picture helps provide more concrete advice for grassroots leaders. Instead of presenting one or two typologies or approaches (cooperative or confrontational) to creating change from the bottom up, this study suggests a much broader range of approaches (Hart 2008). Faculty and staff went back and forth between more and less confrontational and cooperative tactics over the lifetime of the change initiative. In addition, certain individuals within a group might be more confrontational while others are more cooperative. Some approaches were neither confrontational nor cooperative, and instead fell somewhere in the middle. Thus, the study suggests that any narrow typology of approaches is not capturing the breadth of tactics and strategies that are customized to the circumstance. The study identified how more than identity, but also institutional context, shapes approach (in terms of approaches that are more likely to be successful in certain institutional types), creating a greater understanding of the role context plays. The findings suggest change agents should pay attention to institutional culture and climate as they craft their strategy.

### A2 ACLU Turn

#### Nonsense – only the college administration has the jurisdiction to call in police to break up a protest on campus – removing restrictions means they no longer call police in

#### Case outweighs – a few protests getting out of hand and being broken up don't outweigh the majority of protests not being broken up

#### Empirics disprove – prior to free speech zones, movements in the sixties and seventies weren't broken up every time

#### DAPL is irrelevant – it's not a college protest

### A2 Private Colleges Solve

#### Almost 7 million of students go to public colleges, while only 4 million go to private ones – outweighs on number

#### The aff is key – even if protests occur at private colleges, they won't spill over to other colleges

### A2 Squo Solves

#### [A2 PROTESTS NOW] Delgado indicates that students CAN act as catalysts for countering neoliberalism – even if they have the capability, it's being suppressed – they dropped Mitchell which says zoning crushes effective protest

#### [A2 SOCIAL MEDIA] 1. Social media doesn't create change without large-scale protests – people don't pay attention on Facebook to a dozen protesters in a 30 foot block.

#### 2. Tweeting and petitions aren't enough to create the visibility needed – Kony 2012 proves that online movements aren't enough

#### [A2 OFF-CAMPUS] Protests on campus are key – the administration can simply ignore off-campus protests about unfair hiring standards or discrimination, but on-campus movements force them to deal with the problem

### Extra Solvency

#### The First Amendment protects only public discourse

Weinstein 11 – James Weinstein, Amelia D. Lewis Professor of Constitutional Law, Sandra Day O'Connor College of Law, Arizona State University: 2011(PARTICIPATORY DEMOCRACY AS THE CENTRAL VALUE OF AMERICAN FREE SPEECH DOCTRINE, Virginia Law Review Vol 97:3 p.3, Available at <https://web.law.asu.edu/Portals/31/Weinstein_UVA_May_2011.pdf> Accessed on 12/14/16)IG

As Professor Robert Post's pioneering work has demonstrated, this extremely rigorous protection applies primarily within the do- main of "public discourse." Public discourse consists of speech on matters of public concern, or, largely without respect to its subject matter, of expression in settings dedicated or essential to democratic self-governance, such as books, magazines, films, the internet, or in public forums such as the speaker's corner of the park. It is in this realm that the people-the ultimate governors in a democracy-can freely examine and discuss the rules, norms, and conditions that constitute society. Precisely because public discourse in the United States is so strongly protected, however, the realm dedicated to such expression cannot be conceived as covering the entire expanse of human expression. Just as it is imperative in a democracy to have a realm in which any idea, practice, or norm can be questioned as vituperatively as the speaker chooses, there must be other settings in which the government may efficiently carry out the results yielded by the democratic process. Accordingly, in set- tings dedicated to some purpose other than public discourse-such as those dedicated to effectuating government programs in the government workplace," to the administration of justice in the courtroom," or to instruction in public schools the government has far greater leeway to regulate the content of speech.

It is not just the content of the speech that determines whether the expression will be highly protected as public discourse, but also the setting or medium in which the expression occurs." In modern democratic societies, certain modes of communication form "a structural skeleton that is necessary, although not sufficient, for public discourse to serve the constitutional value of democracy”. For this reason, "it [is] assumed that if a medium [is] constitutionally protected by the First Amendment, each instance of the medium would also be protected." The importance of the medium in which a given instance of speech occurs to democratic self- governance is, in my view, the best explanation of why the Su- preme Court rigorously protects nudity in film and cable television-media that are in its view part of the "structural skeleton" of public discourse-but not in live performances by erotic dancers on the stage of a "strip club."

#### Constitutionally protected speech refers to expression that furthers democratic self-governance – presume that a type of speech isn't protected unless the neg proves it

Weinstein 11 – James Weinstein, Amelia D. Lewis Professor of Constitutional Law, Sandra Day O'Connor College of Law, Arizona State University: 2011(PARTICIPATORY DEMOCRACY AS THE CENTRAL VALUE OF AMERICAN FREE SPEECH DOCTRINE, Virginia Law Review Vol 97:3 p.1-2, Available at <https://web.law.asu.edu/Portals/31/Weinstein_UVA_May_2011.pdf> Accessed on 12/14/16)IG

In this discussion I will defend the view that contemporary American free speech doctrine is best explained as assuring the opportunity for individuals to participate in the speech by which we govern ourselves. This democracy-based theory is both descriptively powerful and normatively attractive. Descriptively, no other theory provides nearly as good an explanation of the actual pattern of the Supreme Court's free speech decisions. Normatively, this theory is appealing because it is firmly rooted in a value to which virtually everyone in our society adheres. In addition, it properly confines the most rigorous speech protection to expression necessary to the legitimacy of the entire legal system. I. DESCRIPTIVE POWER To demonstrate the descriptive power of this theory, I will first describe the structure of contemporary free speech doctrine. I will then show how a theory based on the individual right to participate in the democratic process provides a remarkably cogent explanation of this structure. Contrary to a widely held view aptly dubbed the "all-inclusive" approach,' it is manifestly not the case that "all speech receives First Amendment protection unless it falls within certain narrow categories of expression . . . such as incitement of imminent illegal conduct, intentional libel, obscenity, child pornography, fighting words, and true threats."2 Nor is it true, as is also commonly sup- posed, that unless speech falls into one of these forlorn categories, any content regulation of this speech will be subject to "strict scrutiny." In addition to the well-known exceptions just mentioned, one need only consider the large range of speech regulated on account of its content, all without a hint of interference from the First Amendment, such as that regulated by securities, antitrust, labor, copyright, food and drug, and health and safety laws, together with the array of speech regulated by the common law of contract, negligence, and fraud, to quickly realize that there is a multitude of "exceptions" beyond the few recognized by the all-inclusive approach. Indeed, a more accurate snapshot of First Amendment protection is almost the photonegative of the all-inclusive approach: highly protected speech is the exception, with most other speech being regulable because of its content with no discernable First Amendment constraints or like commercial speech, sexually explicit but non-obscene speech, or speech in a nonpublic forum,' expression that receives some, but not the most rigorous, protection from content regulation.

#### Free speech zones and no protest zones infringe on protected speech and shut down impromptu uprising which disarms the most effective form of resistance and forces reform efforts to bend to the will of the established system

Mitchell 03 - Don Mitchell, Distinguished Professor of Geography at Syracuse’s Maxwell School: 2003 (“The Liberalization of Free Speech: Or, How Protest in Public Space is Silenced” Stanford Agora Vol. 4 p.36-37 Available at agora.stanford.edu/agora/volume4/articles/mitchell/mitchell.pdf Accessed on 12/11/16)IG

In the end, a federal judge upheld the city’s position, seeing no illegitimate abridgement of protesters’ rights in the City’s establishment of a no protest zone. The judge stated, plainly enough, that “free speech must sometimes bend to public safety.”150 In this case it had to bend for 50 blocks, and right out of downtown – even though in Madsen, the court had found a 36 foot exclusion zone to be reasonable but both a 300 foot zone in which approaching patrons and workers of clinics, and a 300 foot no-protest zone around residences of clinic workers to be too great a burden on free speech, ordering a much smaller no-protest bubble to be drawn.151 Given this sort of spatial specificity in the Supreme Court’s decision, it seems unlikely that such a large protest exclusion zone could withstand scrutiny.

But there is another issue at work too. The judge in Seattle supported the City’s contention that sanctioned protest was acceptable. The no-protest zone was necessary because of impromptu protests. But, of course, the very effectiveness of the Seattle protests was their (apparent) spontaneity.152 That is what caught the media’s – and the public’s – imagination; and that is what allowed for the massive upsurge of political debate, in the U.S. and around the world, that followed.

Perhaps, tactically, Seattle’s “mistake” was to not establish designated protest and no-protest zones in advance of the meetings. Such a move had been effective in the 1996 Democratic and Republican Conventions (and in earlier ones too). And in subsequent years and events it has become standard practice, as with the 2000 National Conventions, the annual meetings of the World Bank and International Monetary Fund in Washington, and the World Economic Forum meeting in New York in February 2002, where protesters are kept out of certain areas by fences, barricades and a heavy police presence.153 In the case of the 2000 Democratic National Convention in Los Angeles, it was the protesters who were fenced off, with the City establishing an official “protest zone” in a fenced parking lot a considerable distance from the convention site.154 The rationale, of course, was “security,” a rationale backed by appeals to the authority of the Secret Service. The ACLU, among others, sued the city, eventually winning a decision that invalidated the city’s plans. The city was forced to establish a protest zone closer to the convention center, with the judge chiding the City of Los Angeles for failing to consider the First Amendment when it established the rules for protest and security around the event. “You can’t shut down the 1st Amendment about what might happen,” the judge said. “You can always theorize some awful scenario.”155 This victory should not be considered very large. Its effect, and the effect of other cases like it, has largely reduced the ACLU and other advocates of speech rights to arguing the fine points of geography, pouring over maps to determine just where protest may occur. Protesters are put entirely on the defensive, always seeking to justify why their voices should be heard and their actions seen, always having to make a claim that it is not unreasonable to assert that protest should be allowed in a place where those being protested against can actually hear it, and always having to “bend” their tactics – and their rights – to fit a legal regime that in every case sees protest subordinate to “the general order” (which, of course, really means the “established order”).

## Militarism Impacts

### A2 Heg Good – Top Level

#### this assumes international threats are real - interventionism abroad produces threats that are confirmed by the military industrial complex to be security concerns – proves hegemony is a self-fulfilling prophecy, that's McClintock

#### Hegemony is a paranoid fantasy – the most powerful military in the world swings between phases of paranoia and illusions of omnipotence – by constructing external threats and attempting to police the world, American hegemony overstretches and cause violence, that's McClintock

#### No impact to military hegemony – no correlation between US activism and stability

Fettweis 11 Christopher J. Fettweis, Department of Political Science, Tulane University, 9/26/11, Free Riding or Restraint? Examining European Grand Strategy, Comparative Strategy, 30:316–332, EBSCO

It is perhaps worth noting that there is no evidence to support a direct relationship between the relative level of U.S. activism and international stability. In fact, the limited data we do have suggest the opposite may be true. During the 1990s, the United States cut back on its defense spending fairly substantially. By 1998, the United States was spending $100 billion less on defense in real terms than it had in 1990.51 To internationalists, defense hawks and believers in hegemonic stability, this irresponsible “peace dividend” endangered both national and global security. “No serious analyst of American military capabilities,” argued Kristol and Kagan, “doubts that the defense budget has been cut much too far to meet America’s responsibilities to itself and to world peace.”52 On the other hand, if the pacific trends were not based upon U.S. hegemony but a strengthening norm against interstate war, one would not have expected an increase in global instability and violence. The verdict from the past two decades is fairly plain: The world grew more peaceful while the United States cut its forces. No state seemed to believe that its security was endangered by a less-capable United States military, or at least none took any action that would suggest such a belief. No militaries were enhanced to address power vacuums, no security dilemmas drove insecurity or arms races, and no regional balancing occurred once the stabilizing presence of the U.S. military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in U.S. capabilities. Most of all, the United States and its allies were no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Clinton, and kept declining as the Bush Administration ramped the spending back up. No complex statistical analysis should be necessary to reach the conclusion that the two are unrelated. Military spending figures by themselves are insufficient to disprove a connection between overall U.S. actions and international stability. Once again, one could presumably argue that spending is not the only or even the best indication of hegemony, and that it is instead U.S. foreign political and security commitments that maintain stability. Since neither was significantly altered during this period, instability should not have been expected. Alternately, advocates of hegemonic stability could believe that relative rather than absolute spending is decisive in bringing peace. Although the United States cut back on its spending during the 1990s, its relative advantage never wavered. However, even if it is true that either U.S. commitments or relative spending account for global pacific trends, then at the very least stability can evidently be maintained at drastically lower levels of both. In other words, even if one can be allowed to argue in the alternative for a moment and suppose that there is in fact a level of engagement below which the United States cannot drop without increasing international disorder, a rational grand strategist would still recommend cutting back on engagement and spending until that level is determined. Grand strategic decisions are never final; continual adjustments can and must be made as time goes on. Basic logic suggests that the United States ought to spend the minimum amount of its blood and treasure while seeking the maximum return on its investment. And if the current era of stability is as stable as many believe it to be, no increase in conflict would ever occur irrespective of U.S. spending, which would save untold trillions for an increasingly debt-ridden nation. It is also perhaps worth noting that if opposite trends had unfolded, if other states had reacted to news of cuts in U.S. defense spending with more aggressive or insecure behavior, then internationalists would surely argue that their expectations had been fulfilled. If increases in conflict would have been interpreted as proof of the wisdom of internationalist strategies, then logical consistency demands that the lack thereof should at least pose a problem. As it stands, the only evidence we have regarding the likely systemic reaction to a more restrained United States suggests that the current peaceful trends are unrelated to U.S. military spending. Evidently the rest of the world can operate quite effectively without the presence of a global policeman. Those who think otherwise base their view on faith alone.

#### International restraints preserve American power – this preserves the liberal order while avoiding imperial violence and overreach

Sapolsky et al. ‘9 [Harvey M. Sapolsky is a professor of public policy and organization at MIT. Benjamin H. Friedman is a research fellow in defense and homeland security studies at Cato Institute. Eugene Gholz is an associate professor of public affairs at the University of Texas at Austin. Daryl G. Press is an associate professor of government at Dartmouth College. “Restraining Order: For Strategic Modesty” Fall, http://www.worldaffairsjournal.org/articles/2009-Fall/full-Sapolsky-etal-Fall-2009.html]

**Restraint would offer the opportunity to reinvigorate the foundations of America’s strength. Foreign distractions**, among other causes, **have led the U**nited **S**tates **to neglect its transportation infrastructure**, its **educational system**, its **finances**, **and** its **tech**nology **base**. **If we were to restrain** the **global interventionism** that has become our second nature since the end of World War II, **we could ensure our safety while** preserving our power **to deal** more precisely **with threats that may materialize in an uncertain future.** The first virtue of **a restraint strategy** is that it **husbands American power**. **It acknowledges** both **America’s great strengths—a combination of human and physical resources unmatched in the world—and the limitations of our power,** which is easily dissipated in wasteful attempts to manage global security. **No nation or ideology now menaces American security in the same ways or to the same degree that the Soviet Union** and Communism **did** **during the Cold War**. Instead, **a variety of ethnic, religious, and nationalistic conflicts** oceans away from us **now obsess our policymakers, even though those conflicts have** little to no prospect **of spreading our way**. To be sure, **radical Islamists** have attacked Americans at home and abroad, and while these attackers should be hunted down, they do not pose an existential threat, only a difficult and distracting one. Killing or capturing the criminals who attack Americans makes sense; **trying to fix** the **failed states** they call home **is** hopeless and unnecessary**. The U**nited **S**tates **is safer than ever. The challenge now is staying safe**. The U.S. military is supposed to stand between America and hostile nations, but its **forward deployment** actually **puts our forces between others and their own enemies**. **Alliances** once meant to hold a coalition together against a common foe **now protect foreign nations from adversaries that in most cases have no direct dispute with the U**nited **S**tates. **Although our allies are capable of fending for themselves, the fact that they can take shelter under an American umbrella allows them to defer taking responsibility for their own security**. The United States should now use tough love to get our allies off our security dole. We need to do less so others will do more. Restraint should not be confused with pacifism. Calling for America to come home is different today than it was during the Cold War, when there was a world to lose. Today it is not a call for capitulation or disarmament, though it does provide an opportunity for force reductions. The restraint strategy requires a powerful, full-spectrum, and deployable military that invests heavily in technology and uses realistic training to improve capabilities and deter challenges. Restraint demands a military with a global reach that is sparingly used. Similarly, restraint is not isolationism. **Isolation avoids economic and diplomatic engagement and eschews potential profits from the global economy and the enrichment that sharing ideas and cultures can offer**. The United States would be foolish to decline these opportunities. **Restraint does not mean retreating from history, but merely ending U.S. efforts to try to manage it. Restraint would rebalance global responsibilities among America and its allies, match our foreign objectives to our abilities, and put domestic needs first**.

### Turns Terrorism

#### Militarism inspires domestic terrorism

Boggs 5 [Carl Boggs (Professor of Social Science at National University), "Imperial Delusions: American Militarism and Endless War," 2005] AZ

The culture of violence extends to acts of domestic terrorism, which in the 199os found fertile soil on the terrain of reactionary populism. Proto- fascist episodes of violence directed at public targets were frequent, the work of seemingly ordinary people taking some very ordinary American ideas (freedom, rugged individualism, patriotism, the right to bear arms) to fanat- ical extremes. Such actions have been, at least indirectly, encouraged by the gun lobby, media images, gang subcultures, generally high rates of violent crimes, the revitalized war economy, and plentiful examples of US. military intervention abroad. Local incidents of terrorism proliferated throughout the 19905: according to the ATE in the peak year 1993 there were almost 2,400 bombings across the nation, leading to 70 deaths and 1,375 injuries. Reportedly hundreds of other actions were intercepted by the FBI and po- lice agencies. The heightened interest in bombs and guns, including sophis- ticated assault weapons, was fueled by mail-order companies that cater to paramilitary enthusiasts, not to mention what is available through the Inter- net, shortwave radio, fax systems, and talk-radio programs hosted by militia sympathizers. Aided by the Internet and alarmed by domestic and global threats, hate groups have multiplied since just the late 199os. In 1998 ob- servers from Klanwatch and the Militia Task Force documented an all-time high of 474 hate groups in the United States, an increase of 20 percent from 1996. The targeting of many groups of Arabs, Muslims, and immigrants was sharpened in the aftermath of 9/11, and the number of crimes directed against those minorities also multiplied. This orbit includes biblical doom- sayers often inspired by violent rock lyrics; collectors of high-powered weapons; builders of chemical devices and bombs; architects of Internet websites that coordinate literally hundreds of reactionary groups. Right-wing terrorism was of course responsible for the bombing of the Oklahoma City Federal Building in April 1994, but this bold attack was simply the tip of the iceberg; politically motivated violence became a durable element of the culture, though it virtually disappeared on the Left after the 197os. Recurrent assaults on women’s health clinics took place, along with increasing numbers of attacks directed against minorities, gays, Arabs, and Muslims. The violent mood has been nourished by a mounting sense of powerlessness in American society resulting from several factors: economic globalization, the growth of bureaucratic and corporate power, influence of media culture, and popular cynicism over the rather boring, meaningless character of normal politics. The violent mood is exacerbated by the spread of paranoid, conspiratorial beliefs that often come with fears of nebulous intruders or some kind of imminent apocalypse.15 Paranoid obsession with black helicopters, alien creatures, drug cartels, and secret military missions-all seen as possible elements of a tyrannical new order-can be understood in this milieu. Such beliefs can produce a violent de- monology, which, when combined with genuine fears of terrorist attacks, furnish a convenient substitute for familiar cold war images of the Communist devil. Domestic terrorism is hardly synonymous with reactionary populism, but the ideological milieu established by the latter helped nourish the former. As noted above, thousands of politically motivated acts of violence were carried out in the United States during the 199os, with no doubt thousands more intercepted before they could be launched. These figures dwarf anything attributed to al Qaeda, but this homegrown variety of terrorism received little media attention. At the time of the Oklahoma City bombing by Timothy McVeigh and his accomplices, militia groups were at their peak, with membership estimated to be as high as four million (in- cluding over four hundred thousand paramilitary activists).]ust before the bombing former CIA director William Colby said:

### Turns Racism

#### Militarism condones violence against non-white peoples by defining them as disposable and provides the principal motivation for anti-black violence

Jenkins 14 [Colin Jenkins (founder, editor and Social Economics Department chair at the Hampton Institute, and has been published on Truthout, Common Dreams, Dissident Voice, Black Agenda Report, Popular Resistance, and in Z Magazine), "Coming Home to Roost: American Militarism, War Culture, and Police Brutality," Hampton Institution – Society & Culture, 2/27/2014, http://www.hamptoninstitution.org/coming-home-to-roost.html#.Vmuxv\_krLIU] AZ

Any discussion involving American militarism must include the underpinnings of white supremacy, an all-encompassing ideology which has ravaged the lives and communities of non-white peoples for centuries. White supremacy is fueled by objectification and, more specifically, the collective dehumanization of peoples of color. Its power lies in the fact that it not only transcends the fundamental societal arrangement of class, but that it is embraced largely by working class whites who have shown a willingness to internalize and project their own oppression onto others - in this case, the non-white working classes. Not surprisingly, this foundation extends far beyond the geographic confines of the US, representing the basis for which the "[White Man's Burden](http://en.wikipedia.org/wiki/The_White_Man's_Burden)" and age-old foreign policies like the [Roosevelt Corollary](http://en.wikipedia.org/wiki/Roosevelt_Corollary)of the [Monroe Doctrine](http://en.wikipedia.org/wiki/Monroe_Doctrine) operate. The ties that bind what Martin Luther King, Jr. once referred to as "the giant triplets of racism, materialism, and militarism" cannot be underestimated, as they provide the self-righteous, societal "justification" necessary to carry out indiscriminate acts of aggression both here and abroad. Social theorist bell hooks' assessment of George Zimmerman, the self-appointed neighborhood watchman turned murderer of Trayvon Martin, captures this mindset: "White supremacy has taught him that all people of color are threats irrespective of their behavior. Capitalism has taught him that, at all costs, his property can and must be protected. Patriarchy has taught him that his masculinity has to be proved by the willingness to conquer fear through aggression; that it would be unmanly to ask questions before taking action."[[7]](http://www.hamptoninstitution.org/coming-home-to-roost.html" \l "_edn7" \o ") When Muhammad Ali refused to fight in Vietnam, famously stating, "I ain't got no quarrel with them Viet Cong; No Viet Cong ever called me nigger," he was referring to the dominant power structure of white supremacy that had not only subjugated him in his own country, but also had global implications regarding imperialism, colonialism, and ever-increasing militarism. Ali, along with other conscious Black Americans, recognized life in the U.S. as a microcosm of the war in Vietnam. Whether in Birmingham, Alabama or the Ben Tre Province in South Vietnam, black and brown people were being murdered indiscriminately. African Americans had their share of enemies at home - Bull Connor, George Wallace, the Ku Klux Klan, the FBI, Jim Crow - and, for good reason, had no vested interest in wars abroad. Their priorities were defense and self-preservation in their homeland; not offense and destruction in Vietnam. Racism is a cousin to militarism, and its influence on shaping American culture over the years is undeniable. Despite misconceptions, reconstruction in the post-slavery US was no more kind to Black Americans than during colonial years, especially in the southern states. "In the last decades of the nineteenth century, the lynching of Black people in the Southern and border states became an institutionalized method used by whites to terrorize Blacks and maintain white supremacy," [explains](http://www.yale.edu/ynhti/curriculum/units/1979/2/79.02.04.x.html)Robert A. Gibson. "In the South, during the period 1880 to 1940, there was deep-seated and all-pervading hatred and fear of the Negro which led white mobs to turn to 'lynch law' as a means of social control."[[8]](http://www.hamptoninstitution.org/coming-home-to-roost.html" \l "_edn8" \o ") These lynchings were almost always spontaneous, rooted in white supremacist and racist emotion, and void any semblance of due process. They were also mostly supported - whether through direct supervision or "turning a blind eye" - by local politicians, judges, and police forces. According to Tuskegee Institute figures, between the years 1882 and 1951, 3,437 African Americans were lynched in the United States - a tally that amounts to roughly 50 per year, or a little over 4 per month through the lifespan of an entire generation.[[9]](http://www.hamptoninstitution.org/coming-home-to-roost.html" \l "_edn9" \o ") Essentially, for nearly a century, "freed" slaves were still very much at the mercy of, as WEB DuBois once noted, "men who hated and despised Negroes and regarded it as loyalty to blood, patriotism to country, and filial tribute to the fathers to lie, steal or kill in order to discredit these black folk." [[10]](http://www.hamptoninstitution.org/coming-home-to-roost.html" \l "_edn10" \o ") This general hatred was not only projected by white citizens throughout the country, but remained institutionalized by laws of racial segregation - also known as "Jim Crow" - in much of the US until the 1960s. While the courageous and awe-inspiring Civil Rights movement of the '60s was successful in curbing some government-backed segregation, the ugly stain of white supremacy has endured well into the 21stcentury through a convoluted lens of extreme poverty, poor education, lack of opportunity, and disproportionate imprisonment. It has become blatantly evident within the world of 'criminal justice,' and more specifically through the ways in which law enforcement engages and interacts with Black communities across America. Modern forms of lynching have gained a foothold with laws such as New York City's ["Stop and Frisk"](http://www.youtube.com/watch?v=7rWtDMPaRD8)and Florida's infamous "Stand Your Ground" - with both providing legal outlets to harass and kill Black Americans at an alarming rate. However, even before such laws, police officers terrorized inner-cities for decades. The most glaring example occurred in 1991 with the beating of Rodney King - an incident that uncovered a deliberate and widespread brand of racist policing as well as "an organizational culture that alienates itself from the public it is designed to serve" while teaching "to command and confront, not to communicate."[[11]](http://www.hamptoninstitution.org/coming-home-to-roost.html" \l "_edn11" \o ") The 2012 murder of Trayvon Martin by George Zimmerman served as a sobering reminder of the tragically subhuman value that has been placed on Black life in America. Martin's death rightfully brought on cries of an "open season on young black men," while another 2012 murder, this time of 17-year-old Jordan Davis, who was shot and killed by Michael Dunn in broad daylight while sitting in a car with three friends, reiterated this fact. Like Martin, Davis was unarmed and posed no threat - and certainly not enough of a threat to justify lethal force. In Davis' case, the murderer, Dunn, indiscriminately fired 8 bullets into the vehicle where Davis and his friends were sitting. The public reaction to the two murders (adults killing unarmed children, mind you), especially from those who somehow felt compelled to defend the killers, as well as the subsequent trials, the posthumous (and false) 'criminalizing' of the victims with decontextualized images and information, and the total absence of justice on both accounts - all products of a long-standing culture of white supremacy - exposed the lie that is "post-racial" America. However, these reactions were and are nothing new. It has been "open season" on young black males for many years in the US, and very few outside African American or activist communities couldn't care less. One [study](http://mxgm.org/wp-content/uploads/2013/04/Operation-Ghetto-Storm.pdf) estimates that "one Black person is killed every 24 hours by police, security guards, or vigilantes."[[12]](http://www.hamptoninstitution.org/coming-home-to-roost.html" \l "_edn12" \o ") Furthermore, "43% of the(se) shootings occurred after an incident of racial profiling," Adam Hudson [tells us](http://www.alternet.org/news-amp-politics/1-black-man-killed-every-28-hours-police-or-vigilantes-america-perpetually-war-its). "This means police saw a person who looked or behaved "suspiciously" largely because of their skin color and attempted to detain the suspect before killing them. [[13]](http://www.hamptoninstitution.org/coming-home-to-roost.html" \l "_edn13" \o ") Many of the victims of these "extrajudicial" killings posed no threat at the time of their murders, as was the case with Amadou Diallo, Sean Bell, Oscar Grant, Aaron Campbell, Orlando Barlow, Steven Eugene Washington, Ervin Jefferson, Kendrec Mcdade, Kimani Gray, Wendell Allen, Ronald Madison, James Brisette, Tavares McGill, and Victor Steen, to [name a few](http://www.theroot.com/photos/2013/06/unarmed_black_men_shot_by_police_20_sad_stories.html). [[14]](http://www.hamptoninstitution.org/coming-home-to-roost.html" \l "_edn14" \o ") Some, like Brisette (17), Gray (16), McGill (16), and Steen (17), were children. Others, like Madison and Steven Eugene Washington, were mentally ill or autistic. All were unarmed. If the Rodney King trial taught us (and police) anything, it was that officers in the US can inexplicably beat an unarmed and non-threatening Black man to near-death and face no consequences for doing so. Twenty years later, this unaccountability on the part of law enforcement has evolved into an overly-aggressive and often fatal approach to interacting with innocent, young black men. This has never been more evident than during a rash of indiscriminate and blatant acts of police brutality in recent years. All peoples of color have become viable targets, and some of the most alarming examples have been directed at children and people with special needs and disabilities.

### Turns Biopower

#### The biopolitical state manages the population through militarism, thus implicitly conditioning citizens to become "productive" and proper soldiers – in the culture of war, those deemed deviant are disposable

Giroux 13 [Henry Giroux (social critic and educator, and the author of many books, Global Television Network Chair in English and Cultural Studies at McMaster University, "Violence, USA: The Warfare State and the Hardening of Everyday Life," excerpt from *America’s Education Deficit and the War on Youth*, 2013] AZ

The politics and pedagogy of death begins in the celebration of war and ends in the unleashing of violence on all those considered disposable on the domestic front. A survival-of-the-fittest ethic and the utter annihilation of the Other have now become normalized, saturating everything from state policy to institutional practices to the mainstream media. How else to explain the growing taste for violence in, for example, the world of professional sports, extending from professional hockey to extreme martial arts events? The debased nature of violence and punishment seeping into the U.S. cultural landscape becomes clear in the recent revelation that the New Orleans Saints professional football team was “running a ‘bounty program’ which rewarded players for inflicting injuries on opposing players.”[37](http://monthlyreview.org/2013/05/01/violence-usa#en37) In what amounts to a regime of terror pandering to the thrill of the crowd and a take-no-prisoners approach to winning, a coach offered players a cash bonus for “laying hits that resulted in other athletes being carted off the field or landing on the injured player list.”[38](http://monthlyreview.org/2013/05/01/violence-usa#en38) The bodies of those considered competitors, let alone enemies, are now targeted as the war-as-politics paradigm turns the United States into a warfare state. And even as violence flows out beyond the boundaries of state-sponsored militarism and the containment of the sporting arena, citizens are increasingly enlisted to maximize their own participation and pleasure in violent acts as part of their everyday existence—even when fellow citizens become the casualties. Maximizing the pleasure of violence with its echo of fascist ideology far exceeds the boundaries of state-sponsored militarism and violence. Violence can no longer be defined as an exclusively state function, since the market in its various economic and cultural manifestations now enacts its own violence on numerous populations no longer considered of value. Perhaps nothing signals the growing market-based savagery of the contemporary moment more than the privatized and corporate-fueled gun culture of the United States.

### Turns Patriarchy

#### Militarism entrenches patriarchy and sexist gender roles

White 7 [Aaronette M. White (professor of social psychology at UC Santa Cruz), "All the Men Are Fighting for Freedom, All the Women Are Mourning Their Men, but Some of Us Carried Guns: A Raced‐Gendered Analysis of Fanon’s Psychological Perspectives on War," Signs: Journal of Women in Culture and Society, 2007] AZ

As social institutions, military forces are not gender neutral. The ideology of militarism interacts with discrete forms of military organizations to produce gender identities consonant with patriarchal ideology and practices (Cock 1991; de Waal 2002; Enloe 2004b). Militarist and patriarchal ideologies and practices often work against democratic values associated with revolutionary transformation. Thus nationalist parties engaged in armed struggle often end up “shooting democracy in the foot” (Mama 2000). The patriarchal nature of war, militarism, and military training combined to perpetuate violent injustices and entrench colonized mentalities that Fanon predicted revolutionary violence would eradicate (Mama 2000; de Waal 2002; Campbell 2003). The patriarchal mentality of many African men nurtured under colonial rule was reinforced during independence struggles as nationalist consciousness became militarized through values imparted by involvement with the armed forces (Cock 1991; de Waal 2002; Enloe 2004b). Authoritarianism and the notion of combat as men’s work promoted narrow, hypermasculine views of manhood (e.g., manhood as aggressive, competitive, stoic, and the opposite of anything feminine). Revolutionary war also produced sexual divisions of labor that worked against the equal recognition of women by men in military forces. As an ideology, militarism construes violence in terms of various masculine ideals—courage, virility, chivalry, and superiority (Mama 2000; de Waal 2002; Enloe 2004b). Authoritarianism, deemed essential to military organization, construes power in terms of absolute authority, hierarchy, and obedience (de Waal 2002). By privileging hierarchy and rule by command, authoritarianism works against democratic values such as free expression, consensus, egalitarianism, and transparency in decision making (de Waal 2002). Authoritarian values are important to military organizations because war is strategic, aimed at gaining and exercising power. Combat is the manifestation of power in its most brutal and uncompromising form (de Waal 2002). Authoritarianism molds a soldier who will obey orders without thinking and will internalize unquestioning loyalty to his superiors in ways that minimize the chance that he will flinch in combat (Grossman 1995; de Waal 2002). However, by fostering blind compliance military values work against the autonomy of soldiers, regardless of gender, complicating any sense of agency that Fanon claimed combat would restore. This ~~blind~~ compliance works against women’s sense of agency, in particular, because prewar gender inequalities are exacerbated by a predominantly male military leadership more prone to abuse its power during the war given the subordinate status of most female soldiers combined with the stress of life in the camps. In addition to the authoritarianism that pervades the military as a social institution, the stereotype of the supermacho combat soldier perpetuates hypermasculine attitudes and values that also work against a male soldier’s recognition of a woman soldier (or any woman) as his equal. South African feminist sociologist Jacklyn Cock elaborates: “War does not challenge women to prove that they are women, whereas wars have been historically symbolized as the touchstone of ‘manliness.’ The concept of war as a proving ground of manliness has centered on the notion of combat, which is understood to be the ultimate test of masculinity, and thus crucial to the ideological structure of patriarchy” (1991, 235–36). The guerrilla warfare tactics used in most of Africa’s revolutionary wars did not rely on hand‐to‐hand combat. They often relied on ambushing patrols, sabotaging communication and transportation lines, and making hit‐and‐run attacks against enemy posts—tasks women are fully capable of carrying out (Goldman 1982; Cock 1991; Goldstein 2001). Yet the myth of combat as men’s work dies hard; even with today’s technologically sophisticated war weaponry, the “presumption that a man is unproven in his manhood until he has engaged in collective, violent, and physical struggle against someone categorized as the enemy” is widespread (Enloe 1983, 13). Indeed, Fanon’s arguments concerning the transformative potential of war resonate with such masculinist overtones. Masculinist notions also serve as powerful tools for making men into soldiers because military forces encourage aggressiveness and competitiveness while censuring emotional expression and denouncing physically weak soldiers as effeminate (Enloe 1983; Cock 1991; Goldstein 2001). Combat readiness, male bonding, and social cohesion are achieved through military training by emphasizing the otherness of both women and the enemy: women represent the weaker sex, home and hearth, and the need to be protected, while the enemy represents the weaker force to be dominated and conquered (Enloe 1983; Cock 1991; Goldstein 2001). Given the interactive relationship among militarism, military forces as social institutions, and combat as the test of a man’s masculinity, it is not surprising that women have been excluded from most combat, whether in conventional or guerrilla armies (Goldman 1982; Cock 1991; Goldstein 2001).11

#### Gender violence impact

Alexander, PhD. In International relations, 2010

[Ronni, “"Confronting Militarization: Intersections of Gender(ed) Violence, Militarization and Resistance in the Pacific", edited by Laura Sjoberg and Sandra Via, page 71, Jacob]

In the Pacific, as elsewhere, militarization and militarized mentalities often constitute a form of structural violence that is gendered and is not only violent in and of itself but also, under certain circumstances, results in direct violence. Quite frequently, this takes the form of gender violence, most often directed against women by men. Gender violence is “a systematic, institutionalized and/or programmatic violence (sexual, physical, psychological) that operates through the constructs of gender” (Nayak and Suchland 2006, 469).

In the Pacific, conflict and gender violence are at least in part a legacy of colonial rule that institutionalized male privilege through systems for control over social and economic resources such as land and social position, as well as by recreating and reinforcing gendered roles. Colonization and cultural governance also created ethnic tensions as different ethnic and/or tribal groups were brought together, often in ways that suited the needs of the colonizers, and later those of local elites, rather than the colonized. The pyramid of colonization privileged white over nonwhite, male over female, and some ethnicities over others, generally ensuring white men a secure spot on top and relegating indigenous women to the bottom. Similarly, modern cultural governance metes out legitimacy to some more than others, privileging men over women and giving transgendered people virtually no place all.

#### Militarism results in a patriarchal and ethnic structural violence whose sole focus is to further the war machine

**Alexander,** professor of transnational relations**, 10**

[Ronni, Gender, War, and Militarism: Feminist Perspectives, edited by: Laura Sjoberg and Sandra Via, page 71-72, BS]

Militarization is a powerful tool of cultural governance, and it uses gen­der to further its goals. The archetype of women as mothers, wives, and caregivers commits women to bearing and raising sons to send off to war to fight for their nation. When caregiving institutions are militarized, the people who work in them (largely women) are serving military aims, even if they do not consciously support them.

Cultural governance and militarization also work to define gender violence, as they marginalize women in general and certain women in particular, thereby legitimizing some forms of gender violence but not necessarily others. Laura Kaplan (1994) explains the relationship between privileged masculinity and militarization with what she calls "patriarchal militarism." One aspect of patriarchal militarism is that it encourages men to create images of women as "devalued others" and then use those images as a "model for training and inspiring masculine warriors to devalue and distance themselves from enemies" (L. Kaplan 1994, 124). The devalued images of women used by the military encourage gender violence, often so much so that it is disguised or made invisible. Patriarchal militarism uses dual images of male and female, masculine and feminine to enhance male violence at the expense of women. In that both men and women play the roles based on this gender opposition, they are part of this process.

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Pacific women identify the following as the major causes of conflict in the region:

Increasingly unequal access to land, paid employment and economic resources, particularly when inequality is based on ethnicity; centralisation of resources and services; lack of involvement in decision-making and authority; a weakening of traditional methods of dispute resolution; and the growth of a "Rambo" culture of violence and guns among young unemployed men. (Thomas 2005,157)

Local violence is manifested not only in an increase in armed conflict but also in direct violence by armed youth gangs or increasing domestic vio­lence. It is also visible as structural/cultural violence in such forms as gen­der and ethnic discrimination, lack of access to social resources for women and particular ethnic groups, and discriminatory legislation. The outbreak of armed conflict in the region, the use of peacekeepers to contain that conflict, and participation by Pacific Island forces in international peace­keeping have helped to spread the culture of violence within the islands, reaching more and more people and causing more and more pain.

#### Militarism reifies patriarchal gender roles and diverts attention away from needed policies

Lutz 2 [Catherine Lutz (American anthropologist and Thomas J. Watson, Jr. Family Professor of Anthropology and International Studies at Brown University), "Making War at Home in the United States: Militarization and the Current Crisis," American Anthropologist, Vol. 104, No. 3 (Sep., 2002), pp. 723-735, http://www.jstor.org/stable/3567250] AZ

It is true, however, that the capillaries of militarization have fed and molded social Institutions seemingly little connected to battle. In other words, the process of militarization has been not simply a matter of weaponry wielded and bodies buried. It has also created what is taken as knowledge, particularly in the fields of physics and psychology, both significantly shaped by military funding and goals (Leslie 1993; Lot: 1997]. It has redefined proper masculinity and sexuality (D'Amico I997; Enloe 2000), further marginalizing anyone but the male heterosexual-the only category of person seen (it for the full citizenship conferred by combat. Militarization emerges from the images of soldiers in recruitment ads that blast across the popular culture landscape through both the $2 billion annual recruitment budget and Hollywood fare from The Sands of lwa lime to Black Hawk Down. It has rear-ranged U.S. social geography through internal migrations to the South and West for military work (Markusen et al. 1991) and has accelerated the suburbanization process and the creation of black bantusians in the core of older cities, it created the bulk of both the federal deficit and the resistance to social welfare benefits in a workforce divided into those soldiers and veterans with universal health care, a living wage, and other benefits, and those without them (Hardin 1991). It has contributed to the making of race and gender in the United States through the biases of military spending toward the whiter and more male seg- ments of the workforce. Much of the history and the physical and symbolic costs of war on the home front and of war itself have been invisible to people both inside and outside the military. This is the outcome of secrecy laws, of an increasingly muzzled or actively complicit corporate media, and of the difficulty of assessing a highly complex and far-flung institution and the not-so-obviously related consequences or its actions. The costs have also been shrouded behind simplified histodes, public relations work, or propaganda. Most recently, Tom Brokaw's The Greatest Generation, Stephen Spielberg's Saving Private Ryan, and the many best-selling paeans to soldiering by Stephen Ambrose are responsible for selling a powerful nostalgia and desire for war in a new generation. These popular culture works assert that war builds character, makes men, and grants freedom to the nation and a kind of supercitizenship to those who wage it. This militarization in the United States is not, of course, what the current crisis is supposedly about. The book- shelves of stores that have a section devoted to our current predicament burst with books on Islam and fundamentalist Islam, the Taliban, and Nostradamus. They are on “the Arab World” and the vectors of danger to the US population in the form of germs and weapons of mass destruction, Weapons that are construed as dangerous only in the hands of the immature nations, something Hugh Gusterson has termed "nuclear orientalism" (1999].

### A2 Fanon [Revolutionary War]

#### Fanon is wrong – combat is not revolutionary and only re-entrenches colonialist and patriarchal attitudes

White 7 [Aaronette M. White (professor of social psychology at UC Santa Cruz), "All the Men Are Fighting for Freedom, All the Women Are Mourning Their Men, but Some of Us Carried Guns: A Raced‐Gendered Analysis of Fanon’s Psychological Perspectives on War," Signs: Journal of Women in Culture and Society, 2007] AZ

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This ~~blind~~ compliance works against women’s sense of agency, in particular, because prewar gender inequalities are exacerbated by a predominantly male military leadership more prone to abuse its power during the war given the subordinate status of most female soldiers combined with the stress of life in the camps. In addition to the authoritarianism that pervades the military as a social institution, the stereotype of the supermacho combat soldier perpetuates hypermasculine attitudes and values that also work against a male soldier’s recognition of a woman soldier (or any woman) as his equal. 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## Neolib Impacts

OMITTED

## Kritiks

### TOP LEVEL

### A2 Reps 1st

#### Discourse isn’t the primary shaper of reality and material change from the plan outweighs

Thierry Balzacq 5, Professor of Political Science and IR @ Namar University, “The Three Faces of Securitization: Political Agency, Audience and Context” European Journal of International Relations, London: Jun 2005, Volume 11, Issue 2

However, despite important insights, this position remains highly disputable. The reason behind this qualification is not hard to understand. With great trepidation my contention is that one of the main distinctions we need to take into account while examining securitization is that between 'institutional' and 'brute' threats. In its attempts to follow a more radical approach to security problems wherein threats are institutional, that is, mere products of communicative relations between agents, the CS has neglected the importance of 'external or brute threats', that is, threats that do not depend on language mediation to be what they are - hazards for human life. In methodological terms, however, any framework over-emphasizing either institutional or brute threat risks losing sight of important aspects of a multifaceted phenomenon. Indeed, securitization, as suggested earlier, is successful when the securitizing agent and the audience reach a common structured perception of an ominous development. In this scheme, there is no security problem except through the language game. Therefore, how problems are 'out there' is exclusively contingent upon how we linguistically depict them. This is not always true. For one, language does not construct reality; at best, it shapes our perception of it. Moreover, it is not theoretically useful nor is it empirically credible to hold that what we say about a problem would determine its essence. For instance, what I say about a typhoon would not change its essence. The consequence of this position, which would require a deeper articulation, is that some security problems are the attribute of the development itself. In short, threats are not only institutional; some of them can actually wreck entire political communities regardless of the use of language. Analyzing security problems then becomes a matter of understanding how external contexts, including external objective developments, affect securitization. Thus, far from being a departure from constructivist approaches to security, external developments are central to it.

#### Reps don’t shape policy

Richardson ‘8

Alexia -- “Traces of terror : photography and memory of political violence in Argentina and Peru” –as part of the critique of visual determinism, this card internally quotes David D. Perlmutter, Ph.D.. He is Dean of the College of Media & Communication at Texas Tech University. Before coming to Texas Tech, he was the director of the School of Journalism and Mass Communication at the University of Iowa. As a documentary photographer, he is the author or editor of seven books on political communication and persuasion. Also, he has written several dozen research articles for academic journals as well as more than 200 essays for U.S. and international newspapers and magazines such as Campaigns & Elections, Christian Science Monitor, Editor & Publisher, Los Angeles Times, MSNBC.com., Philadelphia Inquirer, and USA Today. This was the her Dissertation to gain her PhD in the School of Modern Languages and Cultures University of Durham. While pursuing her PhD at Durham University, Alexia Richardson gained much traction on the international conference scene – presenting a paper titled 'Ni un paso atrás: Resistance and Emotion in Images of Las Madres de Plaza de Mayo' at the ‘Public Displays of Affection’ conference at the University of Rochester, New York. Durham theses, Durham University. Available at Durham E-Theses Online: http://etheses.dur.ac.uk/1898/

Despite the ubiquitous nature of photographic images, their pervasive influence may be hard to pin down. In a sceptical analysis, David Perlmutter (1998) questions the logic of 'visual determinism', which argues for the role of images in policy decisions - the so-called 'CNN effect' which draws elected officials to the television set as they evaluate their ever-changing position in the public eye. According to Perlmutter, icons are selected and confirmed by a small section of society he calls 'discourse elites' - politicians, academics, and workers in the media. Because such privileged professionals work daily with images, control them, study them in broadsheet newspapers and believe in their effects, they tend to assume that the general public does likewise, often overestimating the familiarity of even the most famous images to the untrained or uninterested viewer. Choosing specific examples including Adams' image of General Loan in Tet and other'icons of outrage', he argues that the measurable effect of visual images is small and they do not usually overturn policy, although, by contrast, some examples of decisions influenced by images are given in Taylor (1998: 136). So, while many blamed photographs like those made by Adams for influencing public opinion in the United States against the war in Vietnam, Perlmutter argues for the reverse: that because public opinion was already turning against the war, it seized on the image of Loan as a confirmation of its new values. Perlmutter's warning against an exaggerated or naive trust in the power of the image is important, and he is correct in stating that an objective measurement of the influence of images on policy decisions is hard to find. Nevertheless, his analysis does not preclude a more general awareness of certain regularly circulated photographs in society, and influence may also have more general effects than government policy decisions. Accordingly, Hariman and Lucaites (2001: 19) believe that, 'visual practices have long been important yet undervalued constituents of democratic culture precisely because they are media for emotional representation that lead to performative identification rather than rational deliberation'. I would concur that the value accorded to written documents and the official archive of materials is often denied the photographic image which, nevertheless, is so regularly witnessed that its pull on the emotions should not be dismissed. 5

#### No prior questions – material should be combined with the abstract

Cochran 99 - Molly Cochran, Assistant Professor of International Affairs at Georgia Institute for Technology, “Normative Theory in International Relations”, 1999, pg. 272

To conclude this chapter, while modernist and postmodernist debates continue, while we are still unsure as to what we can legitimately identify as a feminist ethical/political concern, while we still are unclear about the relationship between discourse and experience, it is particularly important for feminists that we proceed with analysis of both the material (institutional and structural) as well as the discursive. This holds not only for feminists, but for all theorists oriented towards the goal of extending further moral inclusion in the present social sciences climate of epistemological uncertainty. Important ethical/political concerns hang in the balance. We cannot afford to wait for the meta-theoretical questions to be conclusively answered. Those answers may be unavailable. Nor can we wait for a credible vision of an alternative institutional order to appear before an emancipatory agenda can be kicked into gear. Nor do we have before us a chicken and egg question of which comes first: sorting out the metatheoretical issues or working out which practices contribute to a credible institutional vision. The two questions can and should be pursued together, and can be via moral imagination. Imagination can help us think beyond discursive and material conditions which limit us, by pushing the boundaries of those limitations in thought and examining what yields. In this respect, I believe international ethics as pragmatic critique can be a useful ally to feminist and normative theorists generally.

### A2 R/C Claims

#### Violence is proximately caused – root cause logic is poor scholarship

Sharpe, lecturer, philosophy and psychoanalytic studies, and Goucher, senior lecturer, literary and psychoanalytic studies – Deakin University, ‘10

(Matthew and Geoff, Žižek and Politics: An Introduction, p. 231 – 233)

We realise that this argument, which we propose as a new ‘quilting’ framework to explain Žižek’s theoretical oscillations and political prescriptions, raises some large issues of its own. While this is not the place to further that discussion, we think its analytic force leads into a much wider critique of ‘Theory’ in parts of the latertwentieth- century academy, which emerged following the ‘cultural turn’ of the 1960s and 1970s in the wake of the collapse of Marxism. Žižek’s paradigm to try to generate all his theory of culture, subjectivity, ideology, politics and religion is psychoanalysis. But a similar criticism would apply, for instance, to theorists who feel that the method Jacques Derrida developed for criticising philosophical texts can meaningfully supplant the methodologies of political science, philosophy, economics, sociology and so forth, when it comes to thinking about ‘the political’. Or, differently, thinkers who opt for Deleuze (or Deleuze’s and Guattari’s) Nietzschean Spinozism as a new metaphysics to explain ethics, politics, aesthetics, ontology and so forth, seem to us candidates for the same type of criticism, as a reductive passing over the empirical and analytic distinctness of the different object fields in complex societies.

In truth, we feel that Theory, and the continuing line of ‘master thinkers’ who regularly appear particularly in the English- speaking world, is the last gasp of what used to be called First Philosophy. The philosopher ascends out of the city, Plato tells us, from whence she can espie the Higher Truth, which she must then bring back down to political earth. From outside the city, we can well imagine that she can see much more widely than her benighted political contemporaries. But from these philosophical heights, we can equally suspect that the ‘master thinker’ is also always in danger of passing over the salient differences and features of political life – differences only too evident to people ‘on the ground’. Political life, after all, is always a more complex affair than a bunch of ideologically duped fools staring at and enacting a wall (or ‘politically correct screen’) of ideologically produced illusions, from Plato’s timeless cave allegory to Žižek’s theory of ideology.

We know that Theory largely understands itself as avowedly ‘post- metaphysical’. It aims to erect its new claims on the gravestone of First Philosophy as the West has known it. But it also tells us that people very often do not know what they do. And so it seems to us that too many of its proponents and their followers are mourners who remain in the graveyard, propping up the gravestone of Western philosophy under the sign of some totalising account of absolutely everything – enjoyment, différance, biopower . . . Perhaps the time has come, we would argue, less for one more would- be global, allpurpose existential and political Theory than for a multi- dimensional and interdisciplinary critical theory that would challenge the chaotic specialisation neoliberalism speeds up in academe, which mirrors and accelerates the splintering of the Left over the last four decades. This would mean that we would have to shun the hope that one method, one perspective, or one master thinker could single- handedly decipher all the complexity of socio- political life, the concerns of really existing social movements – which specifi cally does not mean mindlessly celebrating difference, marginalisation and multiplicity as if they could be suffi cient ends for a new politics. It would be to reopen critical theory and non- analytic philosophy to the other intellectual disciplines, most of whom today pointedly reject Theory’s legitimacy, neither reading it nor taking it seriously.

### A2 Ableism K

#### Framework – they get their K and we get to weigh our aff – that's key to fairness since otherwise the neg moots aff offense – fairness outweighs and turns critical education since otherwise the aff can't contest the truth of their liberation strategy

#### Link turn – neolib devalues disabled bodies –

#### Neolib marks disabled people as useless because they aren't "productive workers" and thus have no utility in a market-driven society

#### Neolib prioritizes the individual at all costs, which makes social welfare and safety nets redundant – lack of healthcare, accessibility, and social welfare are a direct result of neolib's market logic which prioritizes laissez-faire economics over social good – that's Heron.

#### Link turn – speech zoning excludes disabled people by forcing them to trek to an isolated spot on campus. Their link describes the status quo – one in which disabled people are barred from protests, which the aff solves by creating equal access to student activism.

#### Link turn – student activism combats ableism on campus

Hadley 11 [Wanda Hadley (Assistant Professor of Educational Leadership in Higher Education at Western Mich U), "College Students with Disabilities:

A Student Development Perspective," NEW DIRECTIONS FOR HIGHER EDUCATION, no. 154, Summer 2011] AZ

The college environment for students with disabilities, however, does not include the same extent of support that is required in high school settings. College students with disabilities are covered by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990 (see, e.g., AHEAD 2002; Heyward, this volume). Unlike the high school environment, however, it is the student’s responsibility to initiate requests for services in the postsecondary environment. When students make the transition to higher education, they are expected to contact the Office for Students with Disabilities (OSD), self-identify as a student with a disability, provide documentation of their disability and the accommodations needed, self-advocate to their instructors, and participate in the services that will support their academic progress. Such self-advocacy moves students with disabilities from a pattern of more passive dependent behavior to a more active and responsible role (Brinckerhoff, McGuire, and Shaw 2002; Hadley 2009; Hadley, Twale, and Evans 2003; Milsom and Hartley 2005). In order to successfully self-advocate, students should have a good understanding of their particular learning disability and the compensatory strategies that work best for them. Student development theory can be a useful framework to help administrators and service providers be more supportive when providing services, and to consider how the needs of students with disabilities may change throughout college.

#### Perm do both – promote student activism on campus by removing zoning while also reforming the way we view the public/private distinction.

#### Legislation is powerful – prefer political strategy rather than the non-strategy of their critique

UN 7 [United Nations: Department of Economic and Social Affairs, Division for Social Policy and Development, "Overview of International Legal Frameworks For Disability Legislation," 2007, http://www.un.org/esa/socdev/enable/disovlf.htm] AZ

Persons with disabilities often are excluded from the mainstream of the society and denied their human rights. Discrimination against persons with disabilities takes various forms, ranging from invidious discrimination, such as the denial of educational opportunities, to more subtle forms of discrimination, such as segregation and isolation because of the imposition of physical and social barriers. Effects of disability-based discrimination have been particularly severe in fields such as education, employment, housing, transport, cultural life and access to public places and services. This may result from distinction, exclusion, restriction or preference, or denial of reasonable accommodation on the basis of disablement, which effectively nullifies or impairs the recognition, enjoyment or exercise of the rights of persons with disabilities. Despite some progress in terms of legislation over the past decade, such violations of the human rights of persons with disabilities have not been systematically addressed in society. Most disability legislation and policies are based on the assumption that persons with disabilities simply are not able to exercise the same rights as non-disabled persons. Consequently the situation of persons with disabilities often will be addressed in terms of rehabilitation and social services. A need exists for more comprehensive legislation to ensure the rights of disabled persons in all aspects - political, civil, economic, social and cultural rights - on an equal basis with persons without disabilities. Appropriate measures are required to address existing discrimination and to promote thereby opportunities for persons with disabilities to participate on the basis of equality in social life and development. There also are certain cultural and social barriers that have served to deter full participation of persons with disabilities. Discriminatory practices against persons with disabilities thus may be the result of social and cultural norms that have been institutionalized by law. Changes in the perception and concepts of disability will involve both changes in values and increased understanding at all levels of society, and a focus on those social and cultural norms, that can perpetuate erroneous and inappropriate myths about disability. One of the dominant features of legal thinking in twentieth century has been the recognition of law as a tool of social change. Though legislation is not the only means of social progress, it represents one of the most powerful vehicles of change, progress and development in society. Legislation at country level is fundamental in promoting the rights of persons with disabilities. While the importance - and increasing role - of international law in promoting the rights of persons with disabilities is recognised by the international community, domestic legislation remains one of the most effective means of facilitating social change and improving the status of disabled persons. International norms concerning disability are useful for setting common standards for disability legislation. Those standards also need to be appropriately reflected in policies and programmes that reach persons with disabilities and can effect positive changes in their lives.

### A2 Cap K

#### Wrong K to read – the activism they advocate is exemplified by students on campuses – free speech zones are a form of policing that suppresses anti-capitalist movements

#### Student movements are effective at transforming government policy – Vietnam, civil rights, anti-sweatshop, and international evidence proves

Gill 9 [JUNGYUN GILL (Assistant Professor of Sociology at Stonehill College) & JAMES DeFRONZO, "A Comparative Framework for the Analysis of International Student Movements" Social Movement Studies, 2009] AZ

Reform Student Movements Reform student movements (in which participants are oriented toward influencing institutional policies or replacing personnel and/or advocating new emphases on or interpretations of existing cultural values, but not radically changing institutions or aspects of culture) are located in the quadrant of Figure 1 where the structural change orientation is low and the cultural change orientation is also low. Reform student movements are most likely to develop when the nature of the issue that provokes an opposition student movement is perceived to be the result of a policy or policies of the domestic government, educational institutions, or of executives of major economic or social institutions. This type of student movement is also most likely to occur in the context of student perception of a relatively democratic political system which may respond positively to student mobilization. Past episodes of citizen or student mobilization which succeeded in changing government policy encourage reform student movements. Reform student movements arise when students object to a policy which either directly affects students and/or is perceived as contradicting cherished moral principles. But the objectionable policy is defined by student movement leaders as due to faulty political or other institutional leadership or information on which decisions were made and not due to structural characteristics of the society. Reform student movements in the relatively recent history of the USA include student anti-war, civil rights, divestment from South Africa, and anti-sweatshop movements. Another example of a reform student movement was the 1918 Cordoba movement by Argentine students described above.

### A2 Queer Theory K – Futurity

#### Progressive social change requires futurism, and an ethic that looks to the future without denying the present allows overturning hierarchies.

Mangabeira 7 - Roberto Mangabeira Unger Professor of Law Harvard 2007 THE SELF AWAKENED: PRAGMATISM UNBOUND

There is no reliable hierarchical order in either self or society. Progress consists in the subversion of such order and in the enhancement and refinement of the capabilities of ordinary people. This subversion is dangerous and painful, but there is no alternative to it that is compatible with our rise to greater power, insight, and self-possession. The most important incidents in this ascent are those that allow us to moderate the conflict between the conditions of our selfhood: engaging in a particular world without surrendering to it our powers of resistance and transcendence; and connecting with other people, especially through innovation-friendly cooperation and through personal love, in such a way that in connecting with them we do not cease to be and to become ourselves. The supreme form of engagement without surrender is to live for the future and to struggle over its direction as a certain way of living right now as a being not fully and definitively shaped by established arrangements and beliefs. The supreme form of connection without self-suppression is love among equals, given not as benevolence from a distance and from on high but as imagination and acceptance between equals who can rebuff, betray, and therefore hurt each other. Humanity, individually as well as collectively, in the person as well as in the species, has infinities within. We demand the unlimited from the limited: an assurance that all is well from another person, even the world from a cigarette. Our experiences of addiction and obsession, for example, are adventures in false transcendence: the incongruous and seemingly arbitrary association of unlimited longing with all too limited objects. Our experiences of boredom and anxiety attest to our restlessness in our chains, to the weight of our unused capacities and of our hidden powers. Our insatiability is the stigma of our infinity. Freedom, even divinization, would be to enlarge in our experience the chance to engage without surrendering and to connect without ceasing to be or to become ourselves. The advancement of that project requires that we reshape society and culture. It is not enough to replace some institutions and practices by others. We must change the relation of these social and cultural structures to our structure-defying freedom, creating structures that multiply opportunities and means for their revision, and in this way denying them their mendacious semblance of naturalness. Today we must reinvent the institutional forms and the ideological assumptions of political, economic, and social pluralism -- of democracies, market economies, and free civil society. We must make repetition in society and in culture as well as in the internal life of the mind subservient to the creation of the new. If we succeed, we shall be better able to be in a particular social and cultural world and to be outside it at the same time. We shall develop more quickly the powers, the instruments, and even the insights by which to hasten economic growth and technological innovation, lightening the burdens of poverty, drudgery, and infirmity that continue to weigh on human life. We shall melt down, under the heat of repeated pressure and challenge, all fixed orders of social division and hierarchy, and prevent them from working as the inescapable grid within which our practical and passionate relations to one another must develop.  There is good and deep reason for these hopes.

### A2 Queer Theory K – Edelman

#### Edelman is wrong about social change—Democratic politics can transform social relations without reaffirming homophobia

Brenkman 2 (John, Professor of English and Comparative Literature, CUNY Graduate School, “Politics, Mortal and Natal: An Arendtian Rejoinder,” Narrative 10:2)

In my view, Edelman effaces this difference between democracy and totalitarianism. He attributes to democracy the workings of totalitarianism: he makes no distinction between civil society and the state, equates "the social order" with politics as such, and equates both with the symbolic order. This misconception of democratic politics is what anchors his call for "a true oppositional politics" whose meaning-dissolving, identity-dissolving ironies would come from "the space outside the frame within which 'politics' appears" ("Post-Partum" 181). The democratic state, as opposed to the totalitarian, does not rule civil society but secures its possibility and flourishing; conversely, civil society is the nonpolitical realm from which emerge those initiatives that transform, moderately or radically, the political realm of laws and rights. For that very reason, the political frame of laws and rights, and of debate and decision, is intrinsically inadequate to the plurality of projects and the social divisions within society—there is always a gap in its political representation of the "real" of the social—and for that very reason the political realm itself is open to change **and innovation**. Innovation is a crucial concept for understanding the gay and lesbian movement, which emerged from within civil society as citizens who were stigmatized and often criminalized for their sexual lives created new forms of association, transformed their own lifeworld, and organized a political offensive on behalf of political and social reforms. There was an innovation of rights and freedoms, and what I have called innovations in sociality. Contrary to the liberal interpretation of liberal rights and freedoms, I do not think that gays and lesbians have merely sought their place at the table. Their struggle has radically altered the scope and meaning of the liberal rights and freedoms they sought, first and foremost by making them include sexuality, sexual practices, and the shape of household and family. Where the movement has succeeded in changing the laws of the state, it has also opened up new possibilities within civil society. To take an obvious example, wherever it becomes unlawful to deny housing to individuals because they are gay, there is set in motion a transformation of the everyday life of neighborhoods, including the lives of heterosexuals and their children. Within civil society, this is a work of enlightenment, however uneven and fraught and frequently dangerous. It is not a reaffirmation of the symbolic and structural underpinnings of homophobia; on the contrary, it is a challenge to homophobia and a volatilizing of social relations within the nonpolitical realm.

### A2 Invisibility K

#### Allow us to weigh the case against the critique – anything else moots fairness since it shifts the basis of the debate and skews aff strategy – fairness outweighs since it's key to contestation which makes critical education effective. Rigorous discussion of the kritik is necessary to determine the desirability of the alt, which turns their reps offense.

#### Turn – we cited several examples of student protests working to transform oppressive structures – Chilean protests, anti-Vietnam protests, and Black Lives Matter – if you think protests have ever resulted in change, then we have impact turned the link

#### the alt is stuck in the academia and re-entrenches problematic institutions by satisfying people with criticisms. Only realistic reform can solve – constant critique only hinders effective solutions

Bryant 12 (levi, prof of philosophy at Collins college, Critique of the Academic Left, http://larvalsubjects.wordpress.com/2012/11/11/underpants-gnomes-a-critique-of-the-academic-left/)

The problem as I see it is that this is the worst sort of abstraction (in the Marxist sense) and wishful thinking. Within a Marxo-Hegelian context, a thought is abstract when it ignores all of the mediations in which a thing is embedded. For example, I understand a robust tree abstractly when I attribute its robustness, say, to its genetics alone, ignoring the complex relations to its soil, the air, sunshine, rainfall, etc., that also allowed it to grow robustly in this way. This is the sort of critique we’re always leveling against the neoliberals. They are abstract thinkers. In their doxa that individuals are entirely responsible for themselves and that they completely make themselves by pulling themselves up by their bootstraps, neoliberals ignore all the mediations belonging to the social and material context in which human beings develop that play a role in determining the vectors of their life. They ignore, for example, that George W. Bush grew up in a family that was highly connected to the world of business and government and that this gave him opportunities that someone living in a remote region of Alaska in a very different material infrastructure and set of family relations does not have. To think concretely is to engage in a cartography of these mediations, a mapping of these networks, from circumstance to circumstance (what I call an “onto-cartography”). It is to map assemblages, networks, or ecologies in the constitution of entities.¶ Unfortunately, the academic left falls prey to its own form of abstraction. It’s good at carrying out critiques that denounce various social formations, yet very poor at proposing any sort of realistic constructions of alternatives. This because it thinks abstractly in its own way, ignoring how networks, assemblages, structures, or regimes of attraction would have to be remade to create a workable alternative. Here I’m reminded by the “underpants gnomes” depicted in South Park:¶ The underpants gnomes have a plan for achieving profit that goes like this:¶ Phase 1: Collect Underpants¶ Phase 2: ?¶ Phase 3: Profit!¶ They even have a catchy song to go with their work:¶ Well this is sadly how it often is with the academic left. Our plan seems to be as follows:¶Phase 1: Ultra-Radical Critique¶Phase 2: ?¶Phase 3: Revolution and complete social transformation!¶Our problem is that we seem perpetually stuck at phase 1 without ever explaining what is to be done at phase 2. Often the critiques articulated at phase 1 are right, but there are nonetheless all sorts of problems with those critiques nonetheless. In order to reach phase 3, we have to produce new collectives. In order for new collectives to be produced, people need to be able to hear and understand the critiques developed at phase 1. Yet this is where everything begins to fall apart. Even though these critiques are often right, we express them in ways that only an academic with a PhD in critical theory and post-structural theory can understand. How exactly is Adorno to produce an effect in the world if only PhD’s in the humanities can understand him? Who are these things for? We seem to always ignore these things and then look down our noses with disdain at the Naomi Kleins and David Graebers of the world. To make matters worse, we publish our work in expensive academic journals that only universities can afford, with presses that don’t have a wide distribution, and give our talks at expensive hotels at academic conferences attended only by other academics. Again, who are these things for? Is it an accident that so many activists look away from these things with contempt, thinking their more about an academic industry and tenure, than producing change in the world? If a tree falls in a forest and no one is there to hear it, it doesn’t make a sound! Seriously dudes and dudettes, what are you doing?¶ But finally, and worst of all, us Marxists and anarchists all too often act like assholes. We denounce others, we condemn them, we berate them for not engaging with the questions we want to engage with, and we vilify them when they don’t embrace every bit of the doxa that we endorse. We are every bit as off-putting and unpleasant as the fundamentalist minister or the priest of the inquisition (have people yet understood that Deleuze and Guattari’s Anti-Oedipus was a critique of the French communist party system and the Stalinist party system, and the horrific passions that arise out of parties and identifications in general?). This type of “revolutionary” is the greatest friend of the reactionary and capitalist because they do more to drive people into the embrace of reigning ideology than to undermine reigning ideology. These are the people that keep Rush Limbaugh in business. Well done!¶ But this isn’t where our most serious shortcomings lie. Our most serious shortcomings are to be found at phase 2. We almost never make concrete proposals for how things ought to be restructured, for what new material infrastructures and semiotic fields need to be produced, and when we do, our critique-intoxicated cynics and skeptics immediately jump in with an analysis of all the ways in which these things contain dirty secrets, ugly motives, and are doomed to fail. How, I wonder, are we to do anything at all when we have no concrete proposals? We live on a planet of 6 billion people. These 6 billion people are dependent on a certain network of production and distribution to meet the needs of their consumption. That network of production and distribution does involve the extraction of resources, the production of food, the maintenance of paths of transit and communication, the disposal of waste, the building of shelters, the distribution of medicines, etc., etc., etc.¶ What are your proposals? How will you meet these problems? How will you navigate the existing mediations or semiotic and material features of infrastructure? Marx and Lenin had proposals. Do you? Have you even explored the cartography of the problem? Today we are so intellectually bankrupt on these points that we even have theorists speaking of events and acts and talking about a return to the old socialist party systems, ignoring the horror they generated, their failures, and not even proposing ways of avoiding the repetition of these horrors in a new system of organization. Who among our critical theorists is thinking seriously about how to build a distribution and production system that is responsive to the needs of global consumption, avoiding the problems of planned economy, ie., who is doing this in a way that gets notice in our circles? Who is addressing the problems of micro-fascism that arise with party systems (there’s a reason that it was the Negri & Hardt contingent, not the Badiou contingent that has been the heart of the occupy movement). At least the ecologists are thinking about these things in these terms because, well, they think ecologically. Sadly we need something more, a melding of the ecologists, the Marxists, and the anarchists. We’re not getting it yet though, as far as I can tell. Indeed, folks seem attracted to yet another critical paradigm, Laruelle.¶ I would love, just for a moment, to hear a radical environmentalist talk about his ideal high school that would be academically sound. How would he provide for the energy needs of that school? How would he meet building codes in an environmentally sound way? How would she provide food for the students? What would be her plan for waste disposal? And most importantly, how would she navigate the school board, the state legislature, the federal government, and all the families of these students? What is your plan? What is your alternative? I think there are alternatives. I saw one that approached an alternative in Rotterdam. If you want to make a truly revolutionary contribution, this is where you should start. Why should anyone even bother listening to you if you aren’t proposing real plans? But we haven’t even gotten to that point. Instead we’re like underpants gnomes, saying “revolution is the answer!” without addressing any of the infrastructural questions of just how revolution is to be produced, what alternatives it would offer, and how we would concretely go about building those alternatives. Masturbation.¶ “Underpants gnome” deserves to be a category in critical theory; a sort of synonym for self-congratulatory masturbation. We need less critique not because critique isn’t important or necessary– it is –but because we know the critiques, we know the problems. We’re intoxicated with critique because it’s easy and safe. We best every opponent with critique. We occupy a position of moral superiority with critique. But do we really do anything with critique? What we need today, more than ever, is composition or carpentry. Everyone knows something is wrong. Everyone knows this system is destructive and stacked against them. Even the Tea Party knows something is wrong with the economic system, despite having the wrong economic theory. None of us, however, are proposing alternatives. Instead we prefer to shout and denounce. Good luck with that.

#### We’re NOT THE LAW OR STATE AFFIRMATION – demands that a state end draconian policing is the basic strategy of social movements.

Newman 10

(Saul, Reader in Political Theory at Goldsmiths, U of London, Theory & Event Volume 13, Issue 2)

There are two aspects that I would like to address here. Firstly, the notion of demand: making certain demands on the state – say for higher wages, equal rights for excluded groups, to not go to war, or an end to draconian policing – is one of the basic strategies of social movements and radical groups. Making such demands does not necessarilymean working within the state or reaffirming its legitimacy. On the contrary, demands are made from a position outside the political order, andthey often exceed the question of the implementation of this or that specific measure.They implicitly call into question the legitimacy and even the sovereignty of the state by highlighting fundamental inconsistencies between, for instance, a formal constitutional order which guarantees certain rights and equalities, and state practices which in reality violate and deny them.

#### Alt fails – CX proves merely talking about strategies in secret doesn't do anything

#### Perm do both – use invisible strategies and protests on campus

### UNIVERSITY CRITIQUES

### A2 University K – TL

#### Case outweighs – thousands of black lives suffer from the violence of police brutality daily and millions lack access to clean water – ask yourself: what does their vague alt do about that? Don't sacrifice the lives of the poor for their nonsense ideal

#### No link – the university already exists and the aff does nothing to expand it – making reforms

#### Turn – Williams identifies that the root cause of problematic ideology in academia is neolib – the aff brings standardized testing, market glorification, and teacher competition into question

#### Perm do both – challenging academia as an institution while reforming it is necessary to create change

#### Aff is a prerequisite to the alt – subverting the university requires freedom of thought first and the ability to protest against the administration – in the world of speech zones, the alt would immediately be shut down by admins

#### Alt fails and can't solve the case – [explain]

### A2 University K – Protest Good

#### Protests are key to combat oppression. Chile proves student movements against neolib can deconstruct the capitalist university – that's Williams. Gamble says protests are key for black liberation when traditional channels like voting fail.

#### Protests in the university space reclaim the university and create radical methods that challenge [capitalism]

Noterman and Pusey 12[Elsa Noterman and Andre Pusey, Program Associate at the Community Strategies Group of the Aspen Insitute and PhD candidate in the School of Geography @ ULeeds , “Inside, Outside, and on the Edge of the Academy: Experiments in Radical Pedagogies”, Anarchist Pedagogies: Collective Actions, Theories, and Critical Reflections on Education, ed. By Robert Haworth, CS]

How Do We Build the Really Open University? So, how do we build this new kind of open and ephemeral institution? We think it is important to open up spaces in which we can both experiment with, and critically reflect upon, radical pedagogical practices. The crisis of the university is a crisis that throws up new openings and possibilities for what a university could be. These spaces can work toward pushing the boundaries of the academy by concretely asking, “what can a university do?” in praxis. We need to engage in a discussion about how we can go forward as critical radical researchers inside, outside and on the periphery of the academy. Is there any place for us within the institution as it is? Or as Stefano Harney and Fred Moten (2004) suggest, is the “only possible with the relationship to the university today . . . a criminal one”? This opens up the question/possibility of what Virno terms “exodus,” but which might also be described as “**desertion**.” This is not a territorial exodus, or a fleeing from, but rather a desertion of one’s assigned role, in this case of the “critical” yet docile body (Foucault, 2004) of the academic. As Harney and Moten (2004) put it, “to be in but not of is the path of the subversive intellectual in the modern university.” In part, the Really Open University is an experiment in just this. The creation of spaces in which we can begin to interrogate the role of the university and of the academic, not just as theoretical exercise, but within an implicitly antagonistic, yet not wholly reactive, space of political engagement. This is a messy space that avoids any pure politics, or identitarian overcoding, neither overtly anarchist, nor Marxist, nor simply an “anticuts” group, yet neither a purely utopian reimagining. This is necessarily a “cramped space,” of (im)possibility, as Deleuze (2005) states, “creation takes place in bottlenecks.” Many elements of the education struggle will ultimately want to close down the categories again, in order to give more weight to their ideological underpinnings, trying to make the moment fit their politics, rather than seizing the moment in all its wealth of potentiality. The ROU views ‘crisis as possibility’ arguing that it is “up to us to decide [the universities] future.”17 But through what concrete actions might we actually develop a “really open university”? One way to begin may be through the occupation of the spaces where we work, play and consume, and the reappropriation of this time and space for our own (common) ends. This may help to promote new lines of questioning and open up new connectivities. One way to discuss this occupation and reappropriation, might be the literal forced reclamation of space, though direct action. This has, of course, been a tried and tested method across history, and we have seen the tactic of occupation has begun to some extent become popular again, with the recent occupations at universities across the UK, but to a much larger extent across Europe and the United States. We think there is an interesting dynamic, however, between defensive and offensive uses of occupation. We do not wish to set up a binary, but rather are interested in the qualitative shifts and activities that can occur within the occupied space itself, rather than simply the obstructive element of occupation. This problematic has been explored in the U.S. occupations movement through the often heated debate about the utility of political demands, versus occupation without demands. For example, “Occupation mandates the inversion of the standard dimensions of space. Space in an occupation is not merely the container of our bodies, it is a plane of potentiality that has been frozen by the logic of the commodity” (Inoperative Committee, 2009). Another way to discuss the occupation and reappropriation of time and space might be through the creation of new spaces that prefigure the new forms we may wish a reimagined university to take. A concrete example of this is the model of the autonomous social center, or “infoshop,” found within anarchist and autonomous activist practices (Atton, 1999). Social centers are place-based, self-managed spaces. They can be squatted, rented or cooperatively owned (Pusey, 2010). A particularly rich history of social centers can be found in Italy, but they exist all across Europe. In the United States the closest approximation to the autonomous social centers seems to be the network of radical bookstores and “infoshops” such as Red Emma’s in Baltimore and Bluestockings in New York City (Kanuga, 2010). Some academics at the University of Lincoln are attempting to develop a cooperatively run “social science center” that utilizes a social center type autonomous space, where they can practice radical pedagogical methods (Winn, 2010). The idea is that students will be able to enroll for free and staff will still be paid. We can imagine, based on our experiences and research within social centers in the UK, that this would be controversial within anarchist circles, both for its relationship with the institution of the university, and also because of its payment of academic staff. Payment for some roles performed within some spaces has been a source of much debate and contention within social centers within the UK (Chatterton, 2008). These spaces generally rely on the good will and free time of volunteers. However, many spaces cite burnout and lack of participation as major issues within social centers (UK Social Centres Network, 2008). The “dole autonomy” (Aufheben, 1999), which helped facilitate earlier cycles of struggle, has been very much weakened with successive government attacks on the welfare state, and students increasingly forced to take employment while studying means that there are far fewer people around with the “free time” to help enable projects such as these. It is, perhaps, through the establishment of self-organized alternative educational practices, and open and ephemeral institutions that we can start to value ideas for their own merit, rather than capitalist value—to create spaces and places where we can discard the price tags of commodified knowledge and instrumental learning, and instead appreciate the value of ideas and concepts themselves, while rediscovering the subversiveness of teaching.

### A2 University K – No Commodification

#### WE don’t consume Black suffering by saying violence exists—calling out power is not a commodification of otherness—its key to acknowledge the difference between the self and others

Rosi Braidotti 6, contemporary philosopher and feminist theoretician, Transpositions: On Nomadic Ethics, 76

I beg to differ from Spivak's assessment. The charge of vampiristic or consumerist consumption of others is an ill-informed way of approaching the issue, in that it ignores the rigorous anti-humanistic, cartographic and materialistic roots of poststructuralism. It specifically rests on a misreading of what is involved in the poststructuralist critique of representation and on what is at stake in the task of redefining alternative subject positions. Spivak attempts to rescue Derrida, whom she credits with far more self-reflexivity and political integrity than she is prepared to grant to Foucault and Deleuze. The grounds for this preferential treatment are highly debatable. Nomadic thinking challenges the semiotic approach that is crucial to the 'linguistic turn' and also to deconstruction. Both Deleuze and Foucault engage in a critical dialogue with it and work towards an alternative model of political and ethical practice. It seems paradoxical that thinkers who are committed to an analytics of contemporary subject-positions get accused of actually having caused the events which they account for; as if they were single-handedly responsible for, or even profiting from, the accounts they offer as cartographies. Naming the networks of power-relations in late postmodernity, however, is not as simple as metaphorizing and therefore consuming them. In my view there is no vampiristic approach towards 'otherness' on the part of the poststructuralists. Moreover, I find that approach compatible with the emerging subjectivities of the former 'others' of Western reason. Late postmodernity has seen the proliferation of many and potentially contradictory discourses and practices of difference, which have dislocated the classical axis of distinction between Self or Same/Other or Different. The point of coalition between different critical voices and the poststructuralists is the process of elaborating the spaces in-between self and other, which means the practice of the Relation. They stress the need to elaborate forms of social and political implementation of non-pejorative and nondualistic notions of 'others'.

#### This argument also links to them – they criticize debate but perpetuate it by asking for the ballot

### A2 Chow K – Understand XP

#### Just because we can’t know what it feels like to be the other doesn’t mean we can’t understand the experiences of the other

**Simpson ‘01** (Lorenzo Charles- Professor of philosophy at the State University of New Work; 2001; “The Unfinished Project: Toward a Postmetaphysical Humanism”; 105; https://books.google.com/books?id=a9G7VOKNTlQC&printsec=frontcover#v=onepage&q=young&f=false)

Young, therefore, illegitimately conflates the quite reasonable claim that "I cannot know what it feels like to be you" with the claim that "I cannot understand you." She seems to interpret understanding to refer to the idea of empathic understanding or empathic identification, ideas that Hans-Georg Gadamer so trenchantly criticized Wilhelm Dilthey and Friedrich Schlcicrmacher for promoting. As I have maintained, to under-stand another is not necessarily to "feel with" that other, but rather to understand the descriptions under which she places actions, events, and situations. My understanding of the other is linguistically enabled. The difference of different life histories is what we attempt to bridge by the back and forth of hermeneutic dialogue, which is always open to revision and on the lookout for premature closure. In addition to conflating empathic identification with understanding, much of Young's argument here is predicated upon the view that advo-cates of symmetry and reciprocity think that imagining oneself in the position of others is sufficient.17 But this is, of course, precisely what motivated Habermas, for example, to dialogize Kantian ethics. If the other is not talking back, what else can I do but project

### A2 Chow K – No Impact

#### Zero risk of their Chow impact---instrumental knowledge production doesn’t cause violence and discursive criticism could never solve it anyway

Ken Hirschkop 7, Professor of English and Rhetoric at the University of Waterloo, July 25, 2007, “On Being Difficult,” Electronic Book Review, online: http://www.electronicbookreview.com/thread/criticalecologies/transitive

This defect - not being art - is one that theory should prolong and celebrate, not remedy. For the most egregious error Chow makes is to imagine that obstructing instrumentalism is somehow a desirable and effective route for left-wing politics. The case against instrumentalism is made in depth in the opening chapter, which argues with reference to Hiroshima and Nagasaki that "[t]he dropping of the atomic bombs effected what Michel Foucault would call a major shift in epistemes, a fundamental change in the organization, production and circulation of knowledge" (33). It initiates the "age of the world target" in which war becomes virtualized and knowledge militarized, particularly under the aegis of so-called "area studies". It's hard not to see this as a Pacific version of the notorious argument that the Gulag and/or the Holocaust reveal the exhaustion of modernity. And the first thing one has to say is that this interpretation of war as no longer "the physical, mechanical struggles between combative oppositional groups" (33), as now transformed into a matter technology and vision, puts Chow in some uncomfortable intellectual company: like that of Donald Rumsfeld, whose recent humiliation is a timely reminder that wars continue to depend on the deployment of young men and women in fairly traditional forms of battle. Pace Chow, war can indeed be fought, and fought successfully, "without the skills of playing video games" (35) and this is proved, with grim results, every day. But it's the title of this new epoch - the title of the book as well - that truly gives the game away. Heidegger's "Age of the World Picture" claimed that the distinguishing phenomena of what we like to call modernity - science, machine technology, secularization, the autonomy of art and culture - depended, in the last instance, on a particular metaphysics, that of the "world conceived of and grasped as a picture", as something prepared, if you like, for the manipulations of the subject. Against this vision of "sweeping global instrumentalism" Heidegger set not Mallarmé, but Hölderlin, and not just Hölderlin, but also "reflection", i.e., Heidegger's own philosophy. It's a philosophical reprise of what Francis Mulhern has dubbed "metaculture", the discourse in which culture is invoked as a principle of social organization superior to the degraded machinations of "politics", degraded machinations which, at the time he was composing this essay, had led Heidegger to lower his expectations of what National Socialism might achieve. In the fog of metaphysics, every actually existing nation - America, the Soviet Union, Germany - looks just as grey, as does every conceivable form of politics. For the antithesis of the "world picture" is not a more just democratic politics, but no politics at all, and it is hard to see how this stance can serve as the starting point for a political critique. If Chow decides to pursue this unpromising path anyhow, it is probably because turning exploitation, military conquest and prejudice into so many epiphenomena of a metaphysical "instrumentalism" grants philosophy and poetry a force and a role in revolutionising the world that would otherwise seem extravagant. Or it would do, if "instrumentalism" was, as Chow claims a "demotion of language", if language was somehow more at home exulting in its own plenitude than merely referring to things. Poor old language. Apparently ignored for centuries, it only receives its due when poststructuralists force us to acknowledge it. In their hands, "language flexes its muscles and breaks the chains of its hitherto subordination to thought" and, as a consequence, "those who pursue poststructuralist theory in the critical writings find themselves permanently at war with those who expect, and insist on, the transparency - that is, the invisibility - of language as a tool of communication" (48). We have been down this road before and will no doubt go down it again. In fact, it's fair to say this particular journey has become more or less the daily commute of critical theory, though few have thought it ought to be described in such openly military terms. There is good reason, however, to think Chow's chosen route will lead not to the promised land of resistance and emancipation, but to more Sisyphean frustration. In fact, there are several good reasons.

### RACE CRITIQUES

### A2 Race K – Cap R/C

#### Blackness isn't a structural antagonism – it's a contingent empirical fact created by capitalist institutions and can only be reversed by an anti-neoliberal political strategy

Taylor 2 [Alex Taylor (staff writer), "The roots of racism," Socialist Worker Online, 11/22/2002] AZ

FOR MANY people coming to radical politics--Blacks and whites alike--hatred of racism and a desire to get rid of it is a huge motivating factor. This is in contrast to some of the common assumptions about where racism comes from. The first is that racism is part of human nature--that it's always existed and always will. The second is the liberal idea of racism--that it comes from people's bad ideas, and that if we could change these ideas, we could get rid of it. Both assumptions are wrong. Racism isn't just an ideology but is an institution. And its origins don't lie in bad ideas or in human nature. Rather, racism originated with capitalism and the slave trade. As the Marxist writer CLR James put it, "The conception of dividing people by race begins with the slave trade. This thing was so shocking, so opposed to all the conceptions of society which religion and philosophers had…that the only justification by which humanity could face it was to divide people into races and decide that the Africans were an inferior race." History proves this point. Prior to the advent of capitalism, racism as a systematic form of oppression did not exist. For example, ancient Greek and Roman societies had no concept of race or racial oppression. These weren't liberated societies. They were built on the backs of slaves. And these societies created an ideology to justify slavery. As the Greek philosopher Aristotle put it in his book Politics, "Some men are by nature free, and others slaves, and that for these latter, slavery is both expedient and right." However, because slavery in ancient Greece and Rome was not racially based, these societies had no corresponding ideology of racial inferiority or oppression. In fact, Egyptian, Greek, Roman and Early Christian societies had a favorable image of Blacks and of African societies. Septemus Severenus, an emperor of Rome, was African and almost certainly Black. "The ancients did accept the institution of slavery as a fact of life; they made ethnocentric judgments of other societies; they had narcissistic canons of physical beauty," writes Howard University professor Frank Snowden in his book Before Color Prejudice. "Yet nothing comparable to the virulent color prejudice of modern time existed in the ancient world. This is the view of most scholars who have examined the evidence." RACISM ORIGINATED with the modern slave trade. Just as the slaveholders of ancient Greece and Rome created an ideology that their barbaric slave system was "natural," so did the modern slave-owning class. There was one important difference. According to them, slavery was "natural" because of race. Africans were not human beings, and therefore, they were born to be slaves. As historian Eric Williams writes in his book Capitalism and Slavery, "Slavery was not born of racism; rather, racism was the consequence of slavery." Again, history bears this out. If racism had existed prior to the slave trade, then Africans would have been the first group of people to be enslaved. But, in the early years of colonial America, slavery was not racially based. Initially, the colonists attempted to enslave Native Americans. They also imported thousands of white indentured servants. White servants were treated like slaves. They were bought, sold, put up as stakes in card games and raped, beaten and killed with impunity. Not only was servitude a multiracial institution in the early years of colonial America, there was also a surprising degree of equality between Blacks and whites. For example, in 17th century Virginia, Blacks were able to file lawsuits, testify in court against whites, bear arms and own property, including servants and slaves. In other words, 17th century Blacks in Virginia had more rights than Blacks in the Jim Crow South during the 20th century. Colonial records from 17th century Virginia reveal that one African slave named Frances Payne bought his freedom by earning enough money to buy three white servants to replace him. Such events prove the point that institutional racism did not exist in the early years of slavery--but was created later. OVER TIME, the slaveholding class gradually came to the conclusion that racism was in its interest and that it must be deeply embedded in all of society's institutions. There were several reasons for this conclusion. First, indentured servitude was no longer sufficient to meet the demand for labor as industry developed in Britain and put new demands on the colonial economy. Also, by the middle of the 17th century, African slaves began to live longer than five to seven years--the standard period for indentured servitude. Put in the cold terms of economic reality, slavery became more profitable than indentured servitude. Finally, Africans, whose children could also be enslaved, were more easily segregated and oppressed than servants or Native Americans. As Williams summarized this process: "Here then, is the origin of Negro slavery. The reason was economic, not racial; it had to do not with the color of the laborer, but the cheapness of the labor…This was not a theory, it was a practical conclusion deduced from the personal experience of the planter. He would have gone to the moon, if necessary, for labor. Africa was nearer than the moon." BUT THE most important reason that the planter class created a racially based slave system was not economic, but political--the age-old strategy of divide and rule. The "slaveocracy" was a tiny, extremely wealthy minority surrounded by thousands of people whom it had enslaved, exploited or conquered. Its greatest fear was that slaves and servants would unite against it--and this fear was legitimate. For example, Bacon's Rebellion of 1676 began as a protest against Virginia's policy against native Americans, but turned into an armed multiracial rebellion against the ruling elite. An army of several hundred farmers, servants and slaves demanding freedom and the lifting of taxes sacked Jamestown and forced the governor of Virginia to flee. One thousand soldiers were sent from England to put it down. The rebel army held out for eight months before it was defeated. Bacon's Rebellion was a turning point. It made clear to the planters that for their class to survive, they would have to divide the people that they ruled--on the basis of race. Abolitionist and ex-slave Frederick Douglass put it this way: "The slaveholders…by encouraging the enmity of the poor, laboring white man against the Blacks, succeeded in making the said white man almost as much a slave as the Black himself…Both are plundered, and by the same plunderers." Or, as Douglass also said, "They divided both to conquer each." Over time, the institution of racism became firmly established--both as a means of legitimizing slavery, but also as a means of dividing poor people against one other. While the Civil War smashed the planters' slave system, it did not end the institution of racism. The reason for this is that racism had further uses for capitalism. Similar to the slave societies of antiquity and of the early U.S., under capitalism today, a small, wealthy minority exploits and oppresses the immense majority of people. Racism is the main division among workers today, and it provides a convenient scapegoat for problems created by the system. But ordinary people--regardless of their race--don't benefit from racism. It's no coincidence that the historical periods in which workers as a whole have made the greatest gains--such as the 1930s and the 1960s--have coincided with great battles against racism. Capitalism created racism and can't function without it. The way to end racism once and for all is to win a socialist society--in which the first priority is abolishing all traces of exploitation and racism.

#### Private prisons, slavery, and unemployment of black people prove – the neoliberal drive for profit is a primary cause of anti-blackness

### A2 Race K – Protests Solve

#### Protests solve – empirics and nationwide shift – now is key

* solves intersectionality
* challenges gender inequality, police brutality, racist administrations
* youth are key
* protests solve, even if politics don't

Rahamatulla 15 [Altaf Rahamatulla (program associate in the gender, racial and ethnic justice program at the Ford Foundation), "Student Protests Are Key to Ending Racism in America," Fortune Magazine, 12/3/2015] AZ

From Brown University to the University of Oklahoma, recent student demonstrations have highlighted the deplorable persistence of racial discrimination in our nation. Though American culture has transformed in the past few decades with increased diversity in certain spaces, it is undeniable that exclusion and inequality continue to pervade all major institutions, higher education included. At the University of Missouri, students led protests in response to a series of egregious racial incidents and the unwillingness of the university administration to confront or at least respond to persistent bigotry on campus. The demonstrations, which notably featured the involvement of the school’s football team, culminated in the resignation of the University’s president, Timothy Wolfe, which Missouri Governor Jay Nixon hailed as a “necessary step toward healing and reconciliation.” Students at UCLA recently protested racially insensitive activities on campus and staged a walkout in solidarity with the protests in Missouri. At Princeton, students are demanding the removal of the former school president and U.S. President Woodrow Wilson from university programs and campus buildings given his noted bigotry and efforts to uphold and expand segregation. While circumstances and tactics of these student demonstrations are different, at the core, there are several parallels. They are fundamentally a call for explicit acknowledgement of discrimination, racial tension, and lived experiences of students of color. What’s more, the demonstrations in the past few months have followed bristling college activism in recent years, from confronting police brutality to addressing sexual violence and assault. It’s no surprise that youth have led the charge. American campuses have historically been catalysts for social uplift, reform, and the advancement of justice. Students have consistently been at the forefront of movement-building, be it Civil Rights battles, anti-war rallies, the Free Speech movement, or the drive toward gender equality. While controversial and contested during their time, these demonstrations opened the door for greater participation and access. Grassroots activism in recent years sits in that same continuum—in Ferguson, Baltimore, New York City, Chicago, and cities and campuses across the country, youth have called for abatement of hostile treatment, an end to police brutality and harassment against minorities, and legitimate engagement and inclusion of marginalized groups in academic, social, and political life. These inspired efforts are further providing urgency and voice to longstanding struggles, and illustrate that oppression, disparity, and exclusion manifest most profoundly at the intersection of various identities—race, class, gender—and therefore, connect to a broader set of social issues that have, and will continue to impact the nation, especially in light of demographic shifts—including inequality, economic insecurity, criminalization, sexism, and lack of opportunity. These demonstrations are additionally emblematic of a desire for justice, policy transformation, and authentic civic engagement. In fact, a recent study by the Black Youth Project (BYP), a research and resource center that analyzes societal attitudes and perspectives, affirms this—while youth feel alienated by mainstream political parties and traditional institutions, there is a deep sense that participation can engender reform. For instance, BYP’s polling found that a majority of millennials, and 70% of black millennials, thought that active participation in politics can lead to change. Thus, contrary to stereotypical notions of youth apathy and disengagement, these groups are deeply concerned about the direction of the country and will continue to make their voice heard on critical topics that have come to define this era. Rather than submit to intransigence, current student protests and movements across American college campuses can further be seen as call for various sectors of society—government, business, philanthropy, education—to embrace much-needed discourse on combatting inequality and challenging discrimination. This is an opportune moment for university presidents, government officials, CEOs , and other leaders to go further than simply accepting diversity as the only standard for progress in America. Ultimately, they must look to foster greater inclusion and seek to understand the unrelenting disparity and enduring racism impacting people and communities across the country.

#### Their protests link is in the context of status quo activism – removing speech zones produces powerful protests against racism

#### History confirms – student activism deconstructed apartheid – combated Whiteness

Badat 99 [M. Saleem Badat (South African scholar), "Black Student Politics, Higher Education, and Apartheid: From SASO to SANSCO, 1968-1990" Human Sciences Research Council, Pretoria, 1999] AZ

This book examines student politics in South Africa during the period 1968 to 1990, and specifically at two black higher education organizations: the South African National Students' Congress (SANSCO) and the South African Students' Organization (SASO), focusing on their ideological and political orientations, internal organizational structure, intellectual, political, and social determinants, and their contributions to the struggle against apartheid. The book's essential argument is that both were revolutionary national student political organizations that operated as organized social forces within the national liberation movement, that they functioned as catalysts of collective action, and contributed to the erosion of the apartheid social order. The book finds that black students were not just victims of apartheid but were also thinkers, conscious actors, and historical agents in the face of an authoritarian political order. Chapter 1, an introduction, examines the character, role, and significance of the two organizations. Chapters 2-5 examine SASO's role from 1960 to 1976-77; and chapters 6-10 examine SANSCO's activities from 1976-77 to 1990. Appended are the SASO policy manifesto and a SANSCO constitution and policy document. (Contains approximately 350 references.)

#### Also, student protesters were key to the black power movement in the 1960s – spilled over to improve education for black students

NCSU 16 ["The Black Power Movement and Student Protest," History Department of North Carolina State University, last updated 11/10/2016] AZ

In the summer of 1966, Civil Rights activist and Student Nonviolent Coordinating Committee (SNCC) leader Stokely Carmichael popularized the phrase "Black Power" in America. That same summer, the New York Times reported on Black Power “Negro groups” who were making several demands of the American education system. These demands, including more black teachers, more black authority figures within schools, and black courses “relevant to the black experience,” illustrate how these early proponents of the movement sought to change, not assimilate, into previously segregated institutions. By October of the same year, Huey P. Newton and Bobby Seale founded the Oakland Black Panther Party for Self-Defense (BPP). The BPP movement gained momentum in the United States, and by 1968, Black Power and the BPP had spread to several campuses. From these influences sprang black student unions such as the Society of Afro-American Culture. A 1970 work by Harry Edwards entitled Black Students noted that they were predominantly "geared to provide Black students with a solid, legitimate power base from which they can bring about needed changes in the colleges and universities involved." The coming of the Black Power movement reflects a larger dissatisfaction that had been growing among many members of the Civil Rights Movement. Activists such as Greensboro, NC, native Nelson Johnson began to question the seemingly slow pace at which change was occurring within American society using the nonviolent methods espoused by groups such as the National Association for the Advancement of Colored People (NAACP). As Black Power ideology spread across the nation, activists such as Johnson became adherents to the movement and helped bring it to North Carolina.

### A2 Race K – Radical Alt

#### The alt has no concrete steps to help black people and actively consigns the oppressed to die – CX proves their alt is violent and promotes anti-blackness through pure theory rather than praxis – the aff is a prerequisite by transforming mere theorizing into concrete action. That also proves the perm – the aff is a useful transition step by allowing students to make material changes while we prepare for revolution

#### Their links don't prove that we make anti-blackness significantly worse – means that a risk the perm solves outweighs since the alt can't do anything about it

### A2 Wilderson K – Compiled

#### Biological death outweighs social death – even if blackness is ontological, it presents itself in various forms – the aff mitigates structural violence by shifting it from actual death to a chance at life – their essentialist view that all black people would be okay with death is offensive and wrong

#### Blackness isn't a structural antagonism – it's a contingent empirical fact created by capitalist institutions and can only be reversed by an anti-neoliberal political strategy

Taylor 2 [Alex Taylor (staff writer), "The roots of racism," Socialist Worker Online, 11/22/2002] AZ

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Africans were not human beings, and therefore, they were born to be slaves. As historian Eric Williams writes in his book Capitalism and Slavery, "Slavery was not born of racism; rather, racism was the consequence of slavery." Again, history bears this out. If racism had existed prior to the slave trade, then Africans would have been the first group of people to be enslaved. But, in the early years of colonial America, slavery was not racially based. Initially, the colonists attempted to enslave Native Americans. They also imported thousands of white indentured servants. White servants were treated like slaves. They were bought, sold, put up as stakes in card games and raped, beaten and killed with impunity. Not only was servitude a multiracial institution in the early years of colonial America, there was also a surprising degree of equality between Blacks and whites. For example, in 17th century Virginia, Blacks were able to file lawsuits, testify in court against whites, bear arms and own property, including servants and slaves. In other words, 17th century Blacks in Virginia had more rights than Blacks in the Jim Crow South during the 20th century. Colonial records from 17th century Virginia reveal that one African slave named Frances Payne bought his freedom by earning enough money to buy three white servants to replace him. Such events prove the point that institutional racism did not exist in the early years of slavery--but was created later. OVER TIME, the slaveholding class gradually came to the conclusion that racism was in its interest and that it must be deeply embedded in all of society's institutions. There were several reasons for this conclusion. First, indentured servitude was no longer sufficient to meet the demand for labor as industry developed in Britain and put new demands on the colonial economy. Also, by the middle of the 17th century, African slaves began to live longer than five to seven years--the standard period for indentured servitude. Put in the cold terms of economic reality, slavery became more profitable than indentured servitude. Finally, Africans, whose children could also be enslaved, were more easily segregated and oppressed than servants or Native Americans. As Williams summarized this process: "Here then, is the origin of Negro slavery. The reason was economic, not racial; it had to do not with the color of the laborer, but the cheapness of the labor…This was not a theory, it was a practical conclusion deduced from the personal experience of the planter. He would have gone to the moon, if necessary, for labor. Africa was nearer than the moon." BUT THE most important reason that the planter class created a racially based slave system was not economic, but political--the age-old strategy of divide and rule. The "slaveocracy" was a tiny, extremely wealthy minority surrounded by thousands of people whom it had enslaved, exploited or conquered. Its greatest fear was that slaves and servants would unite against it--and this fear was legitimate. For example, Bacon's Rebellion of 1676 began as a protest against Virginia's policy against native Americans, but turned into an armed multiracial rebellion against the ruling elite. An army of several hundred farmers, servants and slaves demanding freedom and the lifting of taxes sacked Jamestown and forced the governor of Virginia to flee. One thousand soldiers were sent from England to put it down. The rebel army held out for eight months before it was defeated. Bacon's Rebellion was a turning point. It made clear to the planters that for their class to survive, they would have to divide the people that they ruled--on the basis of race. Abolitionist and ex-slave Frederick Douglass put it this way: "The slaveholders…by encouraging the enmity of the poor, laboring white man against the Blacks, succeeded in making the said white man almost as much a slave as the Black himself…Both are plundered, and by the same plunderers." Or, as Douglass also said, "They divided both to conquer each." Over time, the institution of racism became firmly established--both as a means of legitimizing slavery, but also as a means of dividing poor people against one other. While the Civil War smashed the planters' slave system, it did not end the institution of racism. The reason for this is that racism had further uses for capitalism. Similar to the slave societies of antiquity and of the early U.S., under capitalism today, a small, wealthy minority exploits and oppresses the immense majority of people. Racism is the main division among workers today, and it provides a convenient scapegoat for problems created by the system. But ordinary people--regardless of their race--don't benefit from racism. It's no coincidence that the historical periods in which workers as a whole have made the greatest gains--such as the 1930s and the 1960s--have coincided with great battles against racism. Capitalism created racism and can't function without it. The way to end racism once and for all is to win a socialist society--in which the first priority is abolishing all traces of exploitation and racism.

#### Private prisons, slavery, and unemployment of black people prove – the neoliberal drive for profit is a primary cause of anti-blackness

#### Their attribution of disparity to purely racial terms ignores more complex and institutional factors – their failure to craft effective political strategy reinforces neolib, which turns the K

Reed 9/16/2016 [Adolph Reed, Jr (African-American activist and founder of the U.S. Labor Party, professor of political science at the University of Pennsylvania, specializing in race and American politics), "How Racial Disparity Does Not Help Make Sense of Patterns of Police Violence"] AZ

Nevertheless, putting to the side for a moment those ways in which causal invocations of racism and white supremacy are wrongheaded and inadequate and accepting for the sake of argument that the reified forces can do things in the world, if their manifest power can vary so significantly with social, political, and historical context, wouldn’t the objective of combating the injustice be better served by giving priority to examining the shifting and evolving contexts under which racism and white supremacy are more or less powerful or that condition the forms in which they appear rather than to demonstrating that those forces that purportedly cause inequality must be called racism or white supremacy in particular? One problem with the latter objective is that it is ultimately unrealizable. There is no definitive standard of what qualifies as racism; like terrorism or any other such abstraction, it is in the eye of the beholder. In fact, an illustration of the great cultural victory of the postwar civil rights struffle is that “racism” is negatively sanctioned in American society. No one except with any hope of claim to political respectability—not even Maine governor Paul LePage, who leaves one struggling to imagine what he assumes would thus qualify as racist, (http://www.nytimes.com/2016/08/27/us/profane-phone-message-has-gov-paul-lepage-of-maine-in-hot-water-again.html?\_r=0)—embraces it. In addition, advocates of antiracist politics argue that debate over the name that should be attached to the injustice is important because acknowledging the existence of racism/white supremacy as a causal agent is a necessary first step to overcoming its power. But that claim rests on shaky political ground. It is at bottom a call for expiation and moral rehabilitation as political action. In that sense Black Lives Matter is like its rhetorical grandparent, Black Power; it is a slogan that has condensed significant affective resonance but is without programmatic or strategic content. Also like Black Power, in response to criticisms of its lack of concrete content, BLM activists generated a 10 Point Plan—http://www.puckermob.com/lifestyle/black-lives-matter-just-delivered-their-10-point-manifesto-and-this-is-what-they-want, in part clearly to address criticisms that they had no affirmative agenda beyond demands that the slogan be validated and the names of selected victims of police killing be invoked. This was followed more recently by an expanded document featuring roughly sixty items called “A Vision for Black Lives: Policy Demands for Black Power, Freedom, and Justice”—https://policy.m4bl.org.

Some, perhaps many, of the items propounded in the initial 10 Point Plan are fine as a statement of reforms that could make things better in the area of criminal justice policy and practice. Many, if not most, of those assembled under the rubric “Vision for Black Lives” are empty sloganeering and politically wrongheaded and/or unattainable and counterproductive. However, the problem is not a shortage of potentially effective reforms that could be implemented. The problem is much more a political and strategic one. And the focus on racial disparity both obscures the nature and extent of the political and strategic challenges we face and in two ways undercuts our ability to mount a potentially effective challenge: 1) As my colleague, Marie Gottschalk, has demonstrated in her most important book, Caught: The Prison State and the Lockdown of American Politics (Princeton and London: Princeton University Press, 2016),9 the carceral apparatus in its many manifestations, including stress policing as well as the many discrete nodes that constitute the regime of mass incarceration, has emerged from and is reproduced by quite diverse, bipartisan, and evolving complexes of interests, some of which form only in response to the arrangements generated and institutionalized by other interests. Constituencies for different elements of the carceral state do not necessarily overlap, and their interests in maintaining it, or their favored components of it, can be material, ideological, political, or alternating or simultaneous combinations of the three. Challenging that immensely fortified and self-reproducing institutional and industrial structure will require a deep political strategy, one that must eventually rise to a challenge of the foundational premises of the regime of market-driven public policy and increasing direction of the state’s functions at every level toward supporting accelerating regressive transfer and managing its social consequences through policing. 2) It should be clear by now that the focus on racial disparity accepts the premise of neoliberal social justice that the problem of inequality is not its magnitude or intensity in general but whether or not it is distributed in a racially equitable way. To the extent that that is the animating principle of a left politics, it is a politics that lies entirely within neoliberalism’s logic.

#### Protests solve – empirics and nationwide shift – now is key

* solves intersectionality
* challenges gender inequality, police brutality, racist administrations
* youth are key
* protests solve, even if politics don't

Rahamatulla 15 [Altaf Rahamatulla (program associate in the gender, racial and ethnic justice program at the Ford Foundation), "Student Protests Are Key to Ending Racism in America," Fortune Magazine, 12/3/2015] AZ

From Brown University to the University of Oklahoma, recent student demonstrations have highlighted the deplorable persistence of racial discrimination in our nation. Though American culture has transformed in the past few decades with increased diversity in certain spaces, it is undeniable that exclusion and inequality continue to pervade all major institutions, higher education included. At the University of Missouri, students led protests in response to a series of egregious racial incidents and the unwillingness of the university administration to confront or at least respond to persistent bigotry on campus. The demonstrations, which notably featured the involvement of the school’s football team, culminated in the resignation of the University’s president, Timothy Wolfe, which Missouri Governor Jay Nixon hailed as a “necessary step toward healing and reconciliation.” Students at UCLA recently protested racially insensitive activities on campus and staged a walkout in solidarity with the protests in Missouri. At Princeton, students are demanding the removal of the former school president and U.S. President Woodrow Wilson from university programs and campus buildings given his noted bigotry and efforts to uphold and expand segregation. While circumstances and tactics of these student demonstrations are different, at the core, there are several parallels. They are fundamentally a call for explicit acknowledgement of discrimination, racial tension, and lived experiences of students of color. What’s more, the demonstrations in the past few months have followed bristling college activism in recent years, from confronting police brutality to addressing sexual violence and assault. It’s no surprise that youth have led the charge. American campuses have historically been catalysts for social uplift, reform, and the advancement of justice. Students have consistently been at the forefront of movement-building, be it Civil Rights battles, anti-war rallies, the Free Speech movement, or the drive toward gender equality. While controversial and contested during their time, these demonstrations opened the door for greater participation and access. Grassroots activism in recent years sits in that same continuum—in Ferguson, Baltimore, New York City, Chicago, and cities and campuses across the country, youth have called for abatement of hostile treatment, an end to police brutality and harassment against minorities, and legitimate engagement and inclusion of marginalized groups in academic, social, and political life. These inspired efforts are further providing urgency and voice to longstanding struggles, and illustrate that oppression, disparity, and exclusion manifest most profoundly at the intersection of various identities—race, class, gender—and therefore, connect to a broader set of social issues that have, and will continue to impact the nation, especially in light of demographic shifts—including inequality, economic insecurity, criminalization, sexism, and lack of opportunity. These demonstrations are additionally emblematic of a desire for justice, policy transformation, and authentic civic engagement. In fact, a recent study by the Black Youth Project (BYP), a research and resource center that analyzes societal attitudes and perspectives, affirms this—while youth feel alienated by mainstream political parties and traditional institutions, there is a deep sense that participation can engender reform. For instance, BYP’s polling found that a majority of millennials, and 70% of black millennials, thought that active participation in politics can lead to change. Thus, contrary to stereotypical notions of youth apathy and disengagement, these groups are deeply concerned about the direction of the country and will continue to make their voice heard on critical topics that have come to define this era. Rather than submit to intransigence, current student protests and movements across American college campuses can further be seen as call for various sectors of society—government, business, philanthropy, education—to embrace much-needed discourse on combatting inequality and challenging discrimination. This is an opportune moment for university presidents, government officials, CEOs , and other leaders to go further than simply accepting diversity as the only standard for progress in America. Ultimately, they must look to foster greater inclusion and seek to understand the unrelenting disparity and enduring racism impacting people and communities across the country.

#### Their protests link is in the context of status quo activism – removing speech zones produces powerful protests against racism

#### Wilderson agrees with police reform- policies should be combined with the alt.

Wilderson 16 (Frank B. III, interviewed by Samira Spatzek and Paula von Gleich, “‘The Inside-Outside of Civil Society’: An Interview with Frank B. Wilderson, III.” Black Studies Papers, 2.1 (2016): 4–22, https://www.academia.edu/26032053/\_The\_Inside-Outside\_of\_Civil\_Society\_An\_Interview\_with\_Frank\_B.\_Wilderson\_III) OS

The question is, can Black political organizing in Ferguson and Balti-more and these places catch up with that, because unfortunately, we have a problem in that the country is so much more of a police state than it has ever been and you know that just by watching television. When I was in school, if you liked the American flag, if you liked the police, you didn’t have any friends. Now, I find young college students are very slow to say that they hate America, very slow to say that they hate the police. What we’re trying to do now is to infuse an antagonistic orientation in Black people who are white-collar people in college so that their intellectual skills can be enhanced by the orientation that is felt by Black people in the ghetto. If this doesn’t happen they run risk of being anointed and ap-pointed (by the power structure) to manage the anger of Black people in the street, rather than relate to that anger. So that’s a hurdle that we have to overcome. You know, I’ve been doing political education workshops for Black Lives Matter in New York and Los Angeles, and probably will do more in Chicago. And what I hope to have people do workshop exercises around is this concept that I have called “Two Trains Running (Side by Side).” By that I mean, you can do your political organizing that will help us get relief from police brutality right now. We need that. We need that. But that work that we do should be seen as puny in terms of its philosophical and theoretical orientation so that we can educate ourselves politically to be against the police as an institution and against the United States as a country, even while we are working to reform police practices, because we do not have the strength right now that we had in the 1960s and 1970s to act in the way the Black Liberation Army did, or Baader-Meinhof, we do not have the strength to act in the revolutionary mode, but that lack of strength, that lack of capacity, should not contaminate our orientation. We should not feel that we have to accept the existence of police even if we’re working in reformist measures politically. Hopefully this idea of two trains running will pick up. Black Lives Matter has done a great job in opening up a new Black political organizing space. That’s great. Now let’s use that space for an educational project that is soundly anti-American, and soundly anti-police even if tactically, we have to work for police reforms.

#### Anti-blackness isn’t inherent or ontological—it’s historically contingent and hence able to change

Hudson, professor of political studies – University of the Witwatersrand, ’13 (Peter, “The state and the colonial unconscious,” *Social Dynamics: A journal of African studies* Vol. 39, Issue 2, p. 263-277)

Thus the self-same/other distinction is necessary for the possibility of identity itself. There always has to exist an outside, which is also inside, to the extent it is designated as the impossibility from which the possibility of the existence of the subject derives its rule (Badiou 2009, 220). But although the excluded place which isn’t excluded insofar as it is necessary for the very possibility of inclusion and identity may be universal (may be considered “ontological”), its content (what fills it) – as well as the mode of this filling and its reproduction – are contingent. In other words, the meaning of the signifier of exclusion is not determined once and for all: the place of the place of exclusion, of death is itself over-determined, i.e. the very framework for deciding the other and the same, exclusion and inclusion, is nowhere engraved in ontological stone but is political and never terminally settled. Put differently, the “curvature of intersubjective space” (Critchley 2007, 61) and thus, the specific modes of the “othering” of “otherness” are nowhere decided in advance (as a certain ontological fatalism might have it) (see Wilderson 2008). The social does not have to be divided into white and black, and the meaning of these signifiers is never necessary – because they are signifiers. To be sure, colonialism institutes an ontological division, in that whites exist in a way barred to blacks – who are not. But this ontological relation is really on the side of the ontic – that is, of all contingently constructed identities, rather than the ontology of the social which refers to the ultimate unfixity, the indeterminacy or lack of the social. In this sense, then, the white man doesn’t exist, the black man doesn’t exist (Fanon 1968, 165); and neither does the colonial symbolic itself, including its most intimate structuring relations – division is constitutive of the social, not the colonial division. “Whiteness” may well be very deeply sediment in modernity itself, but respect for the “ontological difference” (see Heidegger 1962, 26; Watts 2011, 279) shows up its ontological status as ontic. It may be so deeply sedimented that it becomes difficult even to identify the very possibility of the separation of whiteness from the very possibility of order, but from this it does not follow that the “void” of “black being” functions as the ultimate substance, the transcendental signified on which all possible forms of sociality are said to rest. What gets lost here, then, is the specificity of colonialism, of its constitutive axis, its “ontological” differential. A crucial feature of the colonial symbolic is that the real is not screened off by the imaginary in the way it is under capitalism. At the place of the colonised, the symbolic and the imaginary give way because non-identity (the real of the social) is immediately inscribed in the “lived experience” (vécu) of the colonised subject. The colonised is “traversing the fantasy” (Zizek 2006a, 40–60) all the time; the void of the verb “to be” is the very content of his interpellation. The colonised is, in other words, the subject of anxiety for whom the symbolic and the imaginary never work, who is left stranded by his very interpellation.4 “Fixed” into “non-fixity,” he is eternally suspended between “element” and “moment”5 – he is where the colonial symbolic falters in the production of meaning and is thus the point of entry of the real into the texture itself of colonialism. Be this as it may, whiteness and blackness are (sustained by) determinate and contingent practices of signification; the “structuring relation” of colonialism thus itself comprises a knot of significations which, no matter how tight, can always be undone. Anti-colonial – i.e., anti-“white” – modes of struggle are not (just) “psychic” 6 but involve the “reactivation” (or “de-sedimentation”)7 of colonial objectivity itself. No matter how sedimented (or global), colonial objectivity is not ontologically immune to antagonism. Differentiality, as Zizek insists (see Zizek 2012, chapter 11, 771 n48), immanently entails antagonism in that differentiality both makes possible the existence of any identity whatsoever and at the same time – because it is the presence of one object in another – undermines any identity ever being (fully) itself. Each element in a differential relation is the condition of possibility and the condition of impossibility of each other. It is this dimension of antagonism that the Master Signifier covers over transforming its outside (Other) into an element of itself, reducing it to a condition of its possibility.8 All symbolisation produces an ineradicable excess over itself, something it can’t totalise or make sense of, where its production of meaning falters. This is its internal limit point, its real:9 an errant “object” that has no place of its own, isn’t recognised in the categories of the system but is produced by it – its “part of no part” or “object small a.”10 Correlative to this object “a” is the subject “stricto sensu” – i.e., as the empty subject of the signifier without an identity that pins it down.11 That is the subject of antagonism in confrontation with the real of the social, as distinct from “subject” position based on a determinate identity.

#### Perm do both – public policy is key to combat anti-blackness – it was created by laws

Jamelle Bouie 13, staff writer at The American Prospect, Making and Dismantling Racism, http://prospect.org/article/making-and-dismantling-racism

Over at The Atlantic, Ta-Nehisi Coates has been exploring the intersection of race and public policy, with a focus on white supremacy as a driving force in political decisions at all levels of government. This has led him to two conclusions: First, that anti-black racism as we understand it is a creation of explicit policy choices**—**the decision to exclude, marginalize, and stigmatize Africans and their descendants has as much to do with racial prejudice as does any intrinsic tribalism. And second, that it's possible to dismantle this prejudice using public policy. Here is Coates in his own words: Last night I had the luxury of sitting and talking with the brilliant historian Barbara Fields. One point she makes that very few Americans understand is that racism is a creation. You read Edmund Morgan’s work and actually see racism being inscribed in the law and the country changing as a result. If we accept that racism is a creation, then we must then accept that it can be destroyed. And if we accept that it can be destroyed, we must then accept that it can be destroyed by us and that it likely must be destroyed by methods kin to creation. Racism was created by policy. It will likely only be ultimately destroyed by policy. Over at his blog, Andrew Sullivan offers a reply: I don’t believe the law created racism any more than it can create lust or greed or envy or hatred. It can encourage or mitigate these profound aspects of human psychology – it can create racist structures as in the Jim Crow South or Greater Israel. But it can no more end these things that it can create them. A complementary strategy is finding ways for the targets of such hatred to become inured to them, to let the slurs sting less until they sting not at all. Not easy. But a more manageable goal than TNC’s utopianism. I can appreciate the point Sullivan is making, but I'm not sure it's relevant to Coates' argument. It is absolutely true that "Group loyalty is deep in our DNA," as Sullivan writes. And if you define racism as an overly aggressive form of group loyalty—basically just prejudice—then Sullivan is right to throw water on the idea that the law can "create racism any more than it can create lust or greed or envy or hatred." But Coates is making a more precise claim: That there's nothing natural about the black/white divide that has defined American history. White Europeans had contact with black Africans well before the trans-Atlantic slave trade without the emergence of an anti-black racism. It took particular choices made by particular people—in this case, plantation owners in colonial Virginia—to make black skin a stigma, to make the "one drop rule" a defining feature of American life for more than a hundred years. By enslaving African indentured servants and allowing their white counterparts a chance for upward mobility, colonial landowners began the process that would make white supremacy the ideology of America. The position of slavery generated a stigma that then justified continued enslavement—blacks are lowly, therefore we must keep them as slaves. Slavery (and later, Jim Crow) wasn't built to reflect racism as much as it was built in tandem with it. And later policy, in the late 19th and 20th centuries, further entrenched white supremacist attitudes. Block black people from owning homes, and they're forced to reside in crowded slums. Onlookers then use the reality of slums to deny homeownership to blacks, under the view that they're unfit for suburbs. In other words, create a prohibition preventing a marginalized group from engaging in socially sanctioned behavior—owning a home, getting married—and then blame them for the adverse consequences. Indeed, in arguing for gay marriage and responding to conservative critics, Sullivan has taken note of this exact dynamic. Here he is twelve years ago, in a column for The New Republic that builds on earlier ideas: Gay men--not because they're gay but because they are men in an all-male subculture--are almost certainly more sexually active with more partners than most straight men. (Straight men would be far more promiscuous, I think, if they could get away with it the way gay guys can.) Many gay men value this sexual freedom more than the stresses and strains of monogamous marriage (and I don't blame them). But this is not true of all gay men. Many actually yearn for social stability, for anchors for their relationships, for the family support and financial security that come with marriage. To deny this is surely to engage in the "soft bigotry of low expectations." They may be a minority at the moment. But with legal marriage, their numbers would surely grow. And they would function as emblems in gay culture of a sexual life linked to stability and love. [Emphasis added] What else is this but a variation on Coates' core argument, that society can create stigmas by using law to force particular kinds of behavior? Insofar as gay men were viewed as unusually promiscuous, it almost certainly had something to do with the fact that society refused to recognize their humanity and sanction their relationships. The absence of any institution to mediate love and desire encouraged behavior that led this same culture to say "these people are too degenerate to participate in this institution." If the prohibition against gay marriage helped create an anti-gay stigma, then lifting it—as we've seen over the last decade—has helped destroy it. There's no reason racism can't work the same way.

### A2 Wilderson K – Squo Improving

#### The world can get better – warrant is historically and statistically wrong

Jacobson 9/22 - Louis Jacobson, Senior Correspondent, Politifact ( “Trump's Pants on Fire claim that black communities 'are absolutely in the worst shape' ever” September 22nd, 2016 <http://www.politifact.com/truth-o-meter/statements/2016/sep/22/donald-trump/trumps-pants-fire-claim-blacks-are-absolutely-wors/>) RMT \*Graphs omitted

If Trump had simply pointed out the ongoing discrepancies between blacks and whites in economic, health and educational data, he would have had a point. But that’s very different from what he actually said. (His campaign didn’t respond to a request for clarification for this article.)

Slavery and Jim Crow

The clearest counterpoints to Trump’s statement are more than two centuries of slavery for African-Americans, followed by another century of discrimination, disenfranchisement and lynchings in the South, the region where most blacks lived at the time.

"African-American communities are suffering from many social ailments, including poor schools and high unemployment, and it is important that candidates address these problems and offer specific ways of ameliorating the situation," said Eric Foner, a Columbia University historian who has written numerous books on slavery and post-Civil War reconstruction. "However, it is absurd to say they are in the worst shape they've ever been. Putting slavery aside, go back to the Great Depression, or the crack epidemic of the 1970s and 1980s."

Herbert S. Klein, a historian at the Hoover Institution at Stanford University who has written several books about slavery in the Western Hemisphere, agreed.

"Not to say that color is not a fundamental marker today of comparative health and well-being — African-Americans are still the poorest and least healthy of the U.S. population," he said. "But it’s still much better than in previous decades."

Trump "needs a history lesson — or two — desperately," added Harold Holzer, a historian at Hunter College who specializes in slavery and the Civil War.

He’s also wrong for the past half century

There’s solid statistical evidence that the black experience in America has been on an upward trajectory over the past half century or more. Here are some examples:

• Unemployment rate

Unemployment for black workers has zigzagged up and down with recessions and recoveries, just as it has for whites. But historically, the present day is a relatively strong period for black employment.

In August 2016, the unemployment rate for African-Americans was 8.1 percent. While that’s almost double the rate for whites -- 4.4 percent -- it’s only been this low for black Americans in 5 percent of months since 1972, when the Bureau of Labor Statistics began specifically tallying monthly black unemployment. Here’s a full chart showing the unemployment rate month by month:

• Povety rate

Nationally, the black poverty rate is 24.1 percent, which is much higher than the 9.1 percent percent it is for whites. But that’s still lower than it has been in the past.

The annual black poverty rate never fell below 30 percent between 1966, the first year it was tracked consistently, and 1994. And it has only been lower than it is now in four previous years, starting in 1999 and ending in 2002.

Here’s a chart showing the data from the late 1970s until 2014. The green line shows the rate for African-Americans.

• Life expectancy

Shortly after 1900, black men could expect to live from birth until their early 30s, and black women could expect to live until their mid 30s. Since then, life expectancy for African-Americans has essentially doubled. Today, a black man has a life expectancy from birth in the low 70s, and for black women it’s the high 70s.

Here is a chart from the Centers for Disease Control and Prevention showing life expectancy trends from 1900 to 2000. It shows that whites have outpaced blacks in expanded lifespan, but it also shows that both whites and blacks have risen substantially:

And here are the figures from 1970 to 2013, showing a similar pattern.

• Educational attainment

African-American graduation rates from high school and college have risen over time. The following chart shows black rates of high school graduation (the top lines) and black rates of college graduation (the bottom lines). Both have been climbing since the mid 1970s, when the data series began.

• Crime

On multiple occasions, Trump has said that crime is rising. There is evidence of an uptick for 2015 and 2016 -- neither of which is a year with final federal data available -- at least in certain cities, such as Chicago and Baltimore. But as we have previously noted, the homicide rate and the violent crime rate have fallen to such an extent over the past quarter century -- both in big cities and in the country at large -- that it would take many years of significant increases to return to the "record levels" of the early 1990s.

African-Americans have also experienced a drop-off in the incidence of being a crime victim, at least through 2014, the last year final data is available.

In 2005, for instance, 32.7 per 1,000 African-Americans age 12 and older were the victim of a violent crime. In 2013, that fell to 25.1, and by 2014, it had fallen further, to 22.5. Rates peaked in the early 1980s at nearly 40 per 1,000.

Our ruling

Trump said, "Our African-American communities are absolutely in the worst shape they've ever been in before. Ever. Ever. Ever."

Trump’s emphatic statement lacked any nuance. There is no comparison between the situation today and slavery, or the situation today and the Jim Crow era. Meanwhile, over the past half-century, African-Americans, despite consistently trailing whites, have made significant strides in life expectancy, educational attainment and other measures, and currently have unemployment and poverty rates that are near historical lows.

We rate his statement Pants on Fire

### SCHOOL SPECIFIC

### A2 HW Cap K

#### Framework – they get their K and we get to weigh our aff – that's key to fairness since otherwise the neg moots aff offense – fairness outweighs and turns critical education since otherwise the aff can't contest the truth of their liberation strategy

#### We’re NOT THE LAW OR STATE AFFIRMATION – demands that a state end draconian policing is the basic strategy of social movements.

Newman 10

(Saul, Reader in Political Theory at Goldsmiths, U of London, Theory & Event Volume 13, Issue 2)

There are two aspects that I would like to address here. Firstly, the notion of demand: making certain demands on the state – say for higher wages, equal rights for excluded groups, to not go to war, or an end to draconian policing – is one of the basic strategies of social movements and radical groups. Making such demands does not necessarilymean working within the state or reaffirming its legitimacy. On the contrary, demands are made from a position outside the political order, andthey often exceed the question of the implementation of this or that specific measure.They implicitly call into question the legitimacy and even the sovereignty of the state by highlighting fundamental inconsistencies between, for instance, a formal constitutional order which guarantees certain rights and equalities, and state practices which in reality violate and deny them

#### Proves the perm is consistent with the alt – even if existing neolib or universities are bad, we can use those structures while seeking overcome the system as a whole

#### The link debate – the misdiagnosis link:

#### turn – the aff identifies the presence of neolib within the university – our Williams evidence says student criticism of policy creates reform by identifying and altering inconsistencies within neolib

#### no link – their ev assumes that we don't hold neolib responsible in colleges – the entire 1AC was a criticism of neolib

#### The marketplace link –

#### turn – speech is inevitable and people will talk regardless – the affirmative prevents commodification of speech by removing speech

#### alt is an example of this – it requires a process of speech that creates class politics – the alt is a form of accumulation that puts forth good ideas and uses speech for particular objectives

#### Their kritik assumes neolib stunts reform – empirics should frame your decision since we

#### empirically denied – protests in Chile created overarching change

#### empirics prove even when neolib was high in the 70s, protests were effective at changing foreign policy

#### Student movements are effective at transforming government policy – Vietnam, civil rights, anti-sweatshop, and international evidence proves

Gill 9 [JUNGYUN GILL (Assistant Professor of Sociology at Stonehill College) & JAMES DeFRONZO, "A Comparative Framework for the Analysis of International Student Movements" Social Movement Studies, 2009] AZ

Reform Student Movements Reform student movements (in which participants are oriented toward influencing institutional policies or replacing personnel and/or advocating new emphases on or interpretations of existing cultural values, but not radically changing institutions or aspects of culture) are located in the quadrant of Figure 1 where the structural change orientation is low and the cultural change orientation is also low. Reform student movements are most likely to develop when the nature of the issue that provokes an opposition student movement is perceived to be the result of a policy or policies of the domestic government, educational institutions, or of executives of major economic or social institutions. This type of student movement is also most likely to occur in the context of student perception of a relatively democratic political system which may respond positively to student mobilization. Past episodes of citizen or student mobilization which succeeded in changing government policy encourage reform student movements. Reform student movements arise when students object to a policy which either directly affects students and/or is perceived as contradicting cherished moral principles. But the objectionable policy is defined by student movement leaders as due to faulty political or other institutional leadership or information on which decisions were made and not due to structural characteristics of the society. Reform student movements in the relatively recent history of the USA include student anti-war, civil rights, divestment from South Africa, and anti-sweatshop movements. Another example of a reform student movement was the 1918 Cordoba movement by Argentine students described above.

#### The materialism link –

#### no link – it only applies to publishing within the university, and not free speech zones – the aff doesn't promote academic publishing, only student protest

#### no link – their arg is about universities being bad, not the instance of changing universities

#### this spots us the link turn – universities suppress speech now and prevent student criticism of oppression – it's try or die for the aff – their link assumes that different types of speech trade off with each other, but the aff promotes criticism of neolib

#### Perm do both – protests are necessary to generate the critical momentum necessary to overcome capitalism – that was on the case

#### The last part of their alt proves that a revolutionary strategy requires smaller reforms first – that was CX

### A2 HW Race K

#### No spillover – the Delgado and Yun card assumes that discourse surrounding free speech zones has an effect on colorblindness in COURTS – these are two completely distinct realms that the aff does not affect

#### Allow us to weigh the case against the critique – anything else moots fairness since it shifts the basis of the debate and skews aff strategy – fairness outweighs since it's key to contestation which makes critical education effective. Rigorous discussion of the kritik is necessary to determine the desirability of the alt.

#### The aff is explicitly not colorblind – their arg ument criticizes a particular type of rhetoric that uses free speech as an almighty-tool – the aff only removes free speech zones

#### Student speech is necessary for racial equality – outweighs colorblind discourse in courts

#### Student activism deconstructed apartheid – combated Whiteness

Badat 99 [M. Saleem Badat (South African scholar), "Black Student Politics, Higher Education, and Apartheid: From SASO to SANSCO, 1968-1990" Human Sciences Research Council, Pretoria, 1999] AZ

This book examines student politics in South Africa during the period 1968 to 1990, and specifically at two black higher education organizations: the South African National Students' Congress (SANSCO) and the South African Students' Organization (SASO), focusing on their ideological and political orientations, internal organizational structure, intellectual, political, and social determinants, and their contributions to the struggle against apartheid. The book's essential argument is that both were revolutionary national student political organizations that operated as organized social forces within the national liberation movement, that they functioned as catalysts of collective action, and contributed to the erosion of the apartheid social order. The book finds that black students were not just victims of apartheid but were also thinkers, conscious actors, and historical agents in the face of an authoritarian political order. Chapter 1, an introduction, examines the character, role, and significance of the two organizations. Chapters 2-5 examine SASO's role from 1960 to 1976-77; and chapters 6-10 examine SANSCO's activities from 1976-77 to 1990. Appended are the SASO policy manifesto and a SANSCO constitution and policy document. (Contains approximately 350 references.)

#### Student protesters were key to the black power movement in the 1960s – spilled over to improve education for black students

NCSU 16 ["The Black Power Movement and Student Protest," History Department of North Carolina State University, last updated 11/10/2016] AZ

In the summer of 1966, Civil Rights activist and Student Nonviolent Coordinating Committee (SNCC) leader Stokely Carmichael popularized the phrase "Black Power" in America. That same summer, the New York Times reported on Black Power “Negro groups” who were making several demands of the American education system. These demands, including more black teachers, more black authority figures within schools, and black courses “relevant to the black experience,” illustrate how these early proponents of the movement sought to change, not assimilate, into previously segregated institutions. By October of the same year, Huey P. Newton and Bobby Seale founded the Oakland Black Panther Party for Self-Defense (BPP). The BPP movement gained momentum in the United States, and by 1968, Black Power and the BPP had spread to several campuses. From these influences sprang black student unions such as the Society of Afro-American Culture. A 1970 work by Harry Edwards entitled Black Students noted that they were predominantly "geared to provide Black students with a solid, legitimate power base from which they can bring about needed changes in the colleges and universities involved." The coming of the Black Power movement reflects a larger dissatisfaction that had been growing among many members of the Civil Rights Movement. Activists such as Greensboro, NC, native Nelson Johnson began to question the seemingly slow pace at which change was occurring within American society using the nonviolent methods espoused by groups such as the National Association for the Advancement of Colored People (NAACP). As Black Power ideology spread across the nation, activists such as Johnson became adherents to the movement and helped bring it to North Carolina.

#### Off hate speech – no link since the aff permits restrictions on hate speech and only removes free speech zones

#### Perm do both – the aff is an instance of using administrative policy to abolish whiteness – the grassroots movements their alt recognizes are the aff – Occupy, Black Lives Matter, and other movements are bolstered by the plan

## A2 Counterplans

### A2 PICs – Top Level

#### Perm do both – the aff merely bans the existence of free speech zones – it doesn't protect [ ] speech on campuses

#### Reject negative counterplans that ban hate speech but allow other constitutional speech

1. Predictability – there are a potentially infinite number of offensive words or types of speech that the neg can PIC out of – makes being aff impossible since we have to defend every single type of speech
2. Strat skew – they skirt the core controversy of the topic by mooting the majority of the 1AC – rather than debating the value of free speech on campuses

#### Voter for fairness – it's constitutive of any game

### A2 Standing CP

#### Non-inherent – Doe proves

Niehoff 17 [Len Niehoff (Professor from Practice, University of Michigan Law School), "Doe v. University of Michigan: Free Speech on Campus 25 Years Later," 2017] AZ

The University challenged Doe’s standing to sue on the basis that his concern was hypothetical, and accordingly, no actual case or controversy existed for the court to decide.34 To engage in a bit of understatement, this argument did not sit well with Judge Cohn. Judge Cohn acknowledged that he might agree with the University if he had nothing before him except the language of the policy, but that was not the case.35 Judge Cohn pointed to the interpretive guide as a reason for believing that Doe’s concerns were not entirely speculative.36 After all, the guide included an example of harassment—a student who opines about the superiority of men within a particular field—that seemed closely analogous to the classroom subject matter that worried Doe.37 Judge Cohn noted that on three documented occasions, the University had in fact enforced the policy, or threatened to enforce it, against students based on their classroom speech.38 Judge Cohn did not just reject the University’s objection to Doe’s standing—he declared that it “served only to diminish the credibility of the University’s argument on the merits because it appeared that it sought to avoid coming to grips with the constitutionality of the policy.”39

#### Litigation is an ineffective form of hate speech regulation

Gelber & McNamara 15 [Katharine Gelber (Professor of Politics and Public Policy at the University of Queensland), Luke McNamara, "The Effects of Civil Hate Speech Laws: Lessons from Australia," Law & Society Review, 2015] AZ

We do not suggest that hate speech laws can only be successfully invoked in these circumstances. There is evidence to the contrary.28 However, our interviews with litigants and members of targeted communities supported this view. Community legal centres told us that complainants often have excessively high expectations in the beginning of the process when they tend to seek genuine apologies and little else. Over time, however, they can become frustrated, and eventually they may request additional remedies such as damages. A great deal of time and effort is involved in bringing a complaint to fruition—the first successful HIV/AIDS vilification case in New South Wales29 took three years from the complaint being lodged to a resolution being ordered in a tribunal. The solicitors assisting the complainants told us, “the stress that JM and JN went through you wouldn’t wish on anybody. And they were the victims” (HALC 2012). The complainants had worked in a fast food outlet in a small town, but were forced to relocate due to the dispute. Then, although they were awarded damages, the respondent was in receipt of government benefits and was unable to pay. The victory for the complainants was pyrrhic. Members of targeted groups also told us they found the process difficult, saying, “you might win in the end, but it’s going to take so much out of you,” and “it is [worth having the laws] but applying them is another story.” In addition to the time and effort required to take the complaint through to completion, an unrepentant offender may participate insincerely in drafting an apology which they are ordered to offer, which also frustrates complainants who seek a genuine acknowledgement of wrongdoing (HALC 2012; ICLC 2013). Keysar Trad’s long-running battle with radio personality Alan Jones provides another example of the heavy burden carried by complainants/litigants. In April 2005, Jones made statements during his Sydney radio broadcasts including calling Lebanese Muslims “mongrels” and “vermin,” and saying they “hate our country and our heritage,” “have no connection to us,” “simply rape, pillage and plunder a nation that’s taken them in,” were a “national security problem” who were “getting away with cultural murder,” and making women feel unsafe and threatened. Trad, a well-known member of Sydney’s Lebanese Muslim community, lodged a complaint with the NSW Anti-Discrimination Board and later commenced proceedings in the NSW Administrative Decisions Tribunal. The Tribunal ruled in 2009 that Jones’ statements breached racial vilification law, and ordered an on-air apology, the payment of $10,000 damages, and “a critical review of [Harbour Radio’s] ... policies and practices on racial vilification and the training provided for employees.”30 An appeal by Alan Jones was dismissed in 2011, and in 2012 the Tribunal finalised the terms of an apology. On December 19, 2012, seven and a half years after the offending conduct, Jones read out the apology during his 2GB radio program. Journalist David Marr observed that, “Much of the delay was due to intense - but largely fruitless - legal skirmishing by 2GB” (Marr 2009), a view that was also expressed to us by Trad (2013). But the legal proceedings continued. In 2013, 8 years after the incident, the parties returned to the Tribunal to argue costs. The Tribunal is usually a “no costs” jurisdiction (i.e., each party is responsible for their own legal costs irrespective of whether they win or lose) but an application can be made. The Tribunal ordered the respondents to pay legal costs incurred by Trad after June 2007 (the date on which a reasonable settlement offer made by Trad expired)31 and the Appeal Panel ordered that the respondents pay half of Trad’s appeal costs.32 In November 2013 the NSW Court of Appeal upheld an appeal by Jones and Harbour Radio on the ground that the Tribunal had failed to identify the audience to which the act was directed, and, therefore, the likely effect of the broadcast on an ordinary member of that audience.33 Trad was ordered to repay the damages and the complaint was remitted back to the Tribunal for determination. In December 2014, Trad’s complaint was again upheld.34 These stories confirm that Australia’s primary model of hate speech regulation places a heavy burden on the targets of hate speech. The legislation can only be invoked in relation to a given incident if a member of the vilified group is willing to step up and take on the arduous, stressful, time-consuming, and possibly expensive task of pursuing a remedy on behalf of the wider community. In a sense, the regulatory model assumes the existence of such a person in each of the targeted communities. As a result, and reflecting a widely recognised phenomenon in the literature on organized interests (Gilens and Page 2014; Schlozman, Verba, and Brady 2012), the benefits of the protection of Australian hate speech laws have been unevenly distributed, depending on the ability and willingness of the affected community to pursue hate speech litigation.

### A2 Exclude White People CP

#### Perm do the CP – it does the entirety of the plan by removing speech zones and then adds an extra condition

#### Authenticity DA – forces people of color to "prove" that they aren't white, which fractures coalitions and creates competition to appear *more* black

#### Persecution DA – the CP allows the administration to persecute movements under the guise of protecting black safe space

#### Regulating speech based on group identity is impossible and promotes dangerous stereotypes – race is socially constructed and any attempt to draw lines around a group's speech would fail

Post 91 [Robert Post (Professor of Law, School of Law (Boalt Hall), University of California at Berkeley. B.A., Harvard College, 1969; J.D., Yale University, 1977; Ph.D., Harvard University, 1980), "Racist Speech, Democracy, and the First Amendment," 1991] AZ

This lack of closure may of course be threatening, for it casts the creation of group identity upon the uncertain currents of public discourse. The safe harbor of legal regulation may, by contrast, appear to promise members of minority groups more secure control over the meaning of their social experience. But that promise is illusory, for it is profoundly inconsistent with the analysis of racism prevalent in the contemporary literature. To the extent that racism is viewed as pervasive among whites, and to the extent that whites, as a dominant group, can be expected to hold the levers of legal power, there would seem little reason to trust the law to establish socially acceptable meanings for race. Such meanings cannot be determined by reference to easy or bright-line distinctions, as for example those between positive or negative ascriptions of group identity. The work of figures as diverse as William Julius Wilson,es Shelby Steele,159 and Louis Farrakhan160 illustrates how highly critical characterizations of racial groups can nevertheless serve constructive social purposes. To vest in an essentially white legal establishment the power to discriminate authoritatively among such characterizations and purposes would seem certain to be disempowering. The conclusion that group harm ought not to justify legal regulation is reflected in technical first amendment doctrine in the fact that virtually all communications likely to provoke a claim of group harm will be privileged as assertions of evaluative opinion. 162 The following language, for example, gave rise to legal liability in Beauharnais: "If persuasion and the need to prevent the white race from becoming mongrelized by the negro will not unite us, then the aggressions . . rapes, robberies, knives, guns and marijuana of the negro, SURELY WILL."'163 Justice Frankfurter interpreted this language as a false factual assertion: "No one will gainsay that it is libelous falsely to charge another with being a rapist, robber, carrier of knives and guns, and user of marijuana."' 164 This interpretation, however, seems plainly incorrect. To accuse an individual of using marijuana is to assert that she has committed certain specific acts, but to accuse the group "blacks" of using marijuana is not to make an analogous assertion. Some blacks will have used marijuana, and most will not have. The question is thus not the existence of certain specific acts, but rather whether those acts can appropriately be used to characterize the group. The fundamental issue is the nature of the group's identity, an issue that almost certainly ought to be characterized as one of evaluative opinion. Because the social meaning of race is inherently controversial, most statements likely to give rise to actions for group harm will be negative assessments of the identity of racial groups, and hence statements of evaluative opinion. No serious commentator would advocate a trial to determine the truth or falsity of such statements; the point is rather that such statements should not be made at all because of the deep injury they cause. But in a context in which group identity is a matter for determination through political struggle and disagreement, the hypostatized injury of a group cannot, consistent with the processes that instantiate the principle of self-determination, be grounds to legally silence characterizations of group identity within public discourse.

### A2 "Single College" PICs

#### The plan's firewall protection of student activism is key – individual colleges affect the overall network of activism through spillover

van Dyke 98 [Nella van Dyke (Professor of Sociology at UC Merced), "Hotbeds of Activism: Locations of Student Protest," Social Problems, 1998] AZ

The analyses support the hypothesis that schools that experience movement activity related to one issue will experience protest related to multiple issues. The presence of activity around one movement on campus in the 1960s was related to the later emergence of activity around other issues, or movements, on that same campus. The earlier presence of SDS chapters on campus was significantly associated with the later participation of students in SNCC's Freedom Summer campaign, and the presence of earlier Freedom Summer volunteers on campus was associated with the later development of new SDS chapters. These findings demonstrate the interconnectedness of different social movements, and suggest that a network of activists, interested in a variety of issues, supported each other during the 1960s. The civil rights movement not only influenced the subsequent movements of the decade; the student movement supported and influenced the civil rights movement. These findings suggest that social movement communities, or expanded activist subcultures, influence the incidence of protest activity. This finding also has implications for the study of social change. Ideas did not flow unidirectionally from one movement to another, but were negotiated by the individuals active on different issues. Social movement scholars argue that the civil rights movement influenced all other movements in the decade. There is little doubt that it did, however, my research suggests a more reciprocal relationship. The civil rights movement and other movements had common members who influenced each other and the organizations to which they belonged. The research presented in this paper suggests that social movement scholars should continue to expand their conception of social movements, recognizing that movements within a cycle of protest are not discrete entities. As McAdam (1994) has suggested, individual movements are inseparable from the other movements active within a protest cycle, forming movement families. Subcultures of activists link different movements within a cycle of protest, and influence the emergence of activism around different issues at the same location. Studies that focus exclusively on networks of activists involved in a single organization or movement fail to capture the cultural processes associated with these networks. The analysis presented here confirms that these subcultures are not confined to a single movement or issue, especially during cycles of protest. Nor is their influence confined temporally; they may exert an influence over decades. Tarrow (1994) and McAdam (1994) have suggested that we should focus on movement cycles as our units of analysis rather than on individual movements. While I believe this is on target, my research suggests that we will miss important processes if we limit our attention to temporally bounded periods of heightened protest. The emergence of protest in a given period is influenced by the past.

### A2 Software PIC

#### Court precedent lacks a clear definition of whether code is speech – software shouldn't be considered speech since it isn't expressive

Tutt 12 [Andrew Tutt (Attorney-Adviser, Office of Legal Counsel at U.S. Department of Justice), "Software Speech," Stanford Law Review, November 2012] AZ

The Court should disregard both of these approaches and chart a new course with respect to software. To enact a sound information policy, the Court should neither embrace a seemingly absurd result (as Sorrell would counsel) nor look to narrow analogies (as Brown would counsel) and instead look to the broader and more difficult question of the degree to which a class or category of new media implicates the First Amendment’s core purposes. Rather than counseling greater protection from governmental interference, this may in fact suggest that the government have a freer hand in content-neutral software regulation. Software is sometimes primarily concerned with conveying ideas of the kind and in a manner that one would recognize as familiar and essential to a free society. At other times, software functions much more like a means by which data is gathered, manipulated, and relayed to and by a user and therefore difficult to think of as akin to “speech.” Software, in other words, should be considered not for what it is or even what it says but for what it means to society to treat it like speech. Whether operating systems, search engines, and word processors are “speech” depends on the position these categories occupy within our democracy. Whereas operating systems, word processors—even search engines—are not recognized as occupying a similar expressive position. At least not yet. To see how this already comports with how we think about speech in the real world, one need only think of a urinal in an art gallery. What makes it “art” and therefore “speech” is a constellation of cultural phenomena that coalesce to render an otherwise intellectually inert and uninteresting object meaningful. The unit of expression—the gallery, the artist—is the source of meaning. To take the urinal from the gallery and the artist from the urinal is to take from it its claim to First Amendment protection. Now consider videogames. An independent developer creates a game that simply flashes “this is not a game” repeatedly. While probably among the least fun “games” in the world, we nonetheless see that its very status as a videogame conveys something important about it, some indicia of expressiveness—even if the game expresses little or nothing at all. Newspapers and other media are similarly culturally contingent in their claim to First Amendment protection. When a newspaper, newsletter, book, or pamphlet is published or simply handed out on a street corner, we do not need to know what is in it—it could just as well be blank—to know that it is worthy of the First Amendment’s protection. Operating systems, word processors, and search engines are not like that. There is no understanding of these categories—as categories—as expressively important. Bearing only nascent meaning, they lack the cultural positioning to obtain the First Amendment’s most extraordinary protections and for that reason should probably fall on the other side of the “pure speech” line.

### A2 Commercial/Advertising PIC

#### Commercial speech isn't protected—"constitutionally protected speech" is a term-of-art distinct from commercial speech

Evans 14 [Barbara Evans (Professor of Law and George Butler Research Professor; director of the Center for Biotechnology & Law, University of Houston Law Center), "The First Amendment Right to Speak About the Human Genome," 2014] AZ

First Amendment doctrine recognizes three categories of speech, with the degree of First Amendment protection a particular communication receives depending on which category of speech is involved. The first category (“regulable speech”) includes various types of communication that lie largely outside of First Amendment protection and can be regulated by the government, whether through state or federal statutes and regulations or through state common law (e.g., tort lawsuits). Scholars disagree about the breadth of speech activity that is regulable.195 This disagreement is largely immaterial to this discussion because common candidates for regulable speech— things like “defamation, incitement, obscenity, and pornography produced with real children”196—obviously have nothing to do with the return of genetic test results. Two categories of speech regulation are, however, potentially relevant to this discussion and will be examined in greater detail below. These are: (1) professional speech— that is, the speech that lawyers, doctors, and other licensed professionals provide to clients and patients in the course of providing professional services,197 and (2) speech regulation—particularly, regulation of health claims—that occurs pursuant to consumerproduct safety and other health and safety regulations.198 The second category is commercial speech, which enjoys a measure of First Amendment protection199 although the government has a constrained (but still considerable) power to regulate it.200 Commercial speech has been described as “speech proposing a commercial transaction”201 or “speech … related to the economic interests of the speaker and its audience,”202 and it includes such things as advertising,203 creating and disseminating health records as part of a data-mining business,204 and making health claims about a product (for example, claiming that a vitamin prevents cancer or reduces the risk of neural tube defects).205 The third category is pure speech206 (also called noncommercial speech, core First Amendment speech, or fully protected speech) that receives the most robust constitutional protection. Scholars disagree about the precise scope of fully protected speech,207 but there is general agreement that it includes, at the very least, such things as political speech— “[d]iscussion of public issues”208 and the “unfettered interchange of ideas for the bringing about of political and social changes desired by the people”209—as well as artistic expression and scholarly and scientific debate.210

#### Prefer this interpretation of "constitutionally protected speech" for limits – anything else massively expands PIC ground, allowing the neg to specify any form of sale, donation, or advertising to PIC out of – kills engagement

### A2 Hate Speech PIC

#### Perm do both – the aff merely bans the existence of free speech zones that physically confine speech to zones – it doesn't protect hate speech on campuses

#### Judicial precedence is already in place to distinguish between constitutionally protected speech and hate speech. Brown v. Board of Education proves.

Lawrence 4 IF HE HOLLERS LET HIM GO: REGULATING¶ RACIST SPEECH ON CAMPUS¶ CHARLES R. LAWRENCE III, 1993, Professor of Law, Stanford Law School, Stanford University. B.A., 1965, Haverford College;¶ J.D., 1969, Yale Law School

The landmark case of Brown v. Board of Education is not a case we¶ normally think of as a case about speech. As read most narrowly, the¶ case is about the rights of black children to equal educational opportunity.¶ But Brown can also be read more broadly to articulate a principle¶ central to any substantive understanding of the equal protection clause,¶ the foundation on which all anti-discrimination law rests. This is the¶ principle of equal citizenship. Under that principle "every individual is¶ presumptively entitled to be treated by the organized society as arespected, responsible, and participating member."' 36 Furthermore, it requires¶ the affirmative disestablishment of societal practices that treat people¶ as members of an inferior or dependent caste, as unworthy to¶ participate in the larger community. The holding in Brown-that¶ racially segregated schools violate the equal protection clause-reflects¶ the fact that segregation amounts to a demeaning, caste-creating¶ practice. 37¶ The key to this understanding of Brown is that the practice of segregation,¶ the practice the Court held inherently unconstitutional, was¶ speech. Brown held that segregation is unconstitutional not simply because¶ the physical separation of black and white children is bad38 or because¶ resources were distributed unequally among black and white¶ schools. 39 Brown held that segregated schools were unconstitutional primarily¶ because of the message segregation conveys-the message that¶ black children are an untouchable caste, unfit to be educated with white¶ children. 4° Segregation serves its purpose by conveying an idea. It¶ stamps a badge of inferiority upon blacks, and this badge communicatesa message to others in the community, as well as to blacks wearing the¶ badge, that is injurious to blacks. Therefore, Brown may be read as regulating¶ the content of racist speech. As a regulation of racist speech, the¶ decision is an exception to the usual rule that regulation of speech content¶ is presumed unconstitutional. 41¶ A. The Conduct/Speech Distinction¶ Some civil libertariang argue that my analysis of Brown conflates¶ speech and conduct. They maintain that the segregation outlawed in¶ Brown was discriminatory conduct, not speech, and the defamatory¶ message conveyed by segregation simply was an incidental by-product of¶ that conduct. This position is often stated as follows: "Of course segregation¶ conveys a message but this could be said of almost all conduct. To¶ take an extreme example, a murderer conveys a message of hatred for¶ his victim. [But], we would not argue that we can't punish the murderthe¶ primary conduct-merely because of this message which is its secondary¶ byproduct."'42 This objection to my reading of Brown misperceives¶ the central point of the argument. I have not ignored the distinction¶ between the speech and conduct elements of segregation by mistake.¶ Rather, my analysis turns on that distinction. It asks the question¶ whether there is a purpose for outlawing segregation that is unrelated to¶ its message,43 and it concludes the answer is "no." If, for example, John W. Davis, counsel for the Board of Education¶ of Topeka, Kansas, had been asked during oral argument in Brown to¶ state the Board's purpose in educating black and white children in separate¶ schools, he would have been hard pressed to answer in a way unrelated¶ to the purpose of designating black children as inferior.44 If¶ segregation's primary goal is to convey the message of white supremacy,¶ then Brown's declaration that segregation is unconstitutional amounts to¶ a regulation of the message of white supremacy.45 Properly understood,¶ Brown and its progeny require that the systematic group defamation of¶ segregation be disestablished. 46 Although the exclusion of black children¶ from white schools and the denial of educational resources and association¶ that accompany exclusion can be characterized as conduct, these¶ particular instances of conduct are concerned primarily with communicating¶ the idea of white supremacy. The non-speech elements are byproducts¶ of the main message rather than the message simply a by-product¶ of unlawful conduct. 47The public accommodations provisions of the Civil Rights Act of¶ 196448 provide another example illuminating why laws against discrimination¶ are also regulation of racist speech. The legislative history and the¶ Supreme Court's opinions upholding the Act establish that Congress was¶ concerned that blacks have access to public accommodations to eliminate¶ impediments to the free flow of interstate commerce, 49 but this purpose¶ could have been achieved through a regime of separate-but-equal accommodations.¶ Title II goes further; it incorporates the principal of the inherent¶ inequality of segregation, and prohibits restaurant owners from¶ providing separate places at the lunch counter for "whites" and¶ "coloreds." Even if the same food and the same service are provided,¶ separate-but-equal facilities are unlawful. If the signs indicating separate¶ facilities remain in place, then the statute is violated despite proof that¶ restaurant patrons are free to disregard the signs. 50 Outlawing these¶ signs graphically illustrates my point that anti-discrimination laws are¶ primarily regulations of the content of racist speech.

#### Hate speech restrictions created by those in positions of power are more likely to hurt than help the oppressed.

Glasser 16 Ira Glasser (Former executive director of the American Civil Liberties Union, now president of the board of directors of the Drug Policy Alliance), quoted in “HATE SPEECH IS FREE SPEECH” by Jonothan Haidt, Spiked, 6/12/16, http://www.spiked-online.com/newsite/article/hate-speech-is-free-speech/18444#.WE5XNM6gTds //[LADI](http://www.theladi.org/evidence)

How is ‘hate speech’ defined, and who decides which speech comes within the definition? Mostly, it’s not us. In the 1990s in America, black students favoured ‘hate speech’ bans because they thought it would ban racists from speaking on campuses. But the deciders were white. If the codes the black students wanted had been in force in the 1960s, their most frequent victim would have been Malcolm X. In England, Jewish students supported a ban on racist speech. Later, Zionist speakers were banned on the grounds that Zionism is a form of racism. Speech bans are like poison gas: seems like a good idea when you have your target in sight — but the wind shifts, and blows it back on us.

#### Allowing hate speech is key to targeting and stopping it – they merely push the problem further underground.

Haider 16 Sarah Haider, quoted in “HATE SPEECH IS FREE SPEECH” by Jonothan Haidt, Spiked, 6/12/16, <http://www.spiked-online.com/newsite/article/hate-speech-is-free-speech/18444#.WE5XNM6gTds> //[LADI](http://www.theladi.org/evidence)

Progress depends on our freedom to express dangerous ideas – a freedom which relies on a strict differentiation between speech and physical acts. Hate-speech policies blur this line; they categorise speech that offends as in itself a form of violence, thereby unwittingly justifying violence as a response to offensive speech. Where once speech was punishable if it insulted the dignity of God, now speech that insults the dignity of His followers can be censored. It is a modern blasphemy, grounded not in scripture, but in the shifting sands that are the feelings of individuals. Censoring hate speech merely pushes hate underground, where it lurks beneath the guise of civility: invisible but not obliterated, looming all the more powerful. Genuine crusaders against prejudice now have a shadow for an enemy: impossible to target, and thus impossible to dismantle.

#### Reject negative counterplans that ban hate speech but allow other constitutional speech

1. Predictability – there are a potentially infinite number of offensive words or types of speech that the neg can PIC out of – makes being aff impossible since we have to defend every single type of speech
2. Strat skew – they skirt the core controversy of the topic by mooting the majority of the 1AC – rather than debating the value of free speech on campuses

#### Voter for fairness – it's constitutive of any game

### A2 Animal Cruelty PIC

#### Crush videos are considered obscenity – not protected

Shadwick 15 [Lana Shadwick, "Couple Back to Court in Texas for ‘Animal Crush Videos’," Breitbart, 3/25/2015] AZ

The Court of Appeals made note that the First Amendment does allow for some restrictions on free speech. It included obscenity as an example. The Court ruled the law is constitutional in this application because it focuses on the “secondary effects” of the video and not the actual content. “The other element that occurs in animal crush videos and which warrants a higher punishment than simple obscenity is that it involved the intentional torture or pain to a living animal. Congress finds this combination deplorable and worthy of special punishment,” Judge Stephen Higginson wrote for the three-judge panel (ruling attached below).

## A2 Disads

### A2 Donors DA – Top Level

#### Restricting free speech on campuses causes slashes in federal funding – Trump proves

Redell 2/2 [Bob Redell, Lisa Fernandez, Rhea Mahbubani, Ian Cull, Raquel Dillon and Scott Budman, "President Donald Trump Takes on UC Berkeley on Twitter: Threatens Federal Funds," NBC Bay Area, 2/2/2017] AZ

The morning after violent protests at the University of California, Berkeley prompted the cancellation of a speech by a controversial Breitbart editor, the president of the United States took on the school — on Twitter. "If U.C. Berkeley does not allow free speech and practices violence on innocent people with a different point of view - NO FEDERAL FUNDS?" Trump tweeted at 12:13 a.m. ET on Thursday. Trump's tweet caused a firestorm frenzy, ranging from whether the university would actually lose millions of dollars, to the sanctity of the First Amendment. Many noted the irony of Berkeley, Calif. being the birthplace of the Free Speech movement in the 1960s. And yet, it was the progressive campus that was full of armed "Ninja-like agitators" who ended up wreaking havoc on the campus and canceling the speech that was to be made by controversial Breitbart editor Milo Yiannopoulos. Berkeley Mayor Jesse Arreguin lambasted those who tried to mar that tradition. "Using speech to silence and promote bigotry is unacceptable. Hate speech isn't welcome in our community," he tweeted. But, in a second tweet, he wrote: "Violence and destruction is not the answer." Cal student Juliana Mora agreed: "We don't stand for that. We don't want to get mixed up with the few bad apples. This is the home of free speech." The free speech movement was forged at UC Berkeley in the 1960s. Bettina Apthekar, among those in the thick of it, was targeted for organizing a peaceful protest against the Nazi party on campus. "Their signs said, ‘Burn Aptheker,’” she recalled. But Aptheker supported the opposing side’s First Amendment rights, and said the university did the right thing by not standing in the way of college Republicans who wanted to invite Yiannapoulos. “We have to hold on to” the principle behind the freedom of speech and expression, she said. “It's too much of a slippery slope once you say this person can't speak." A generation later, David Sabes was a UC Berkeley student faced with a similar dilemma. He said the university should be a venue for different perspectives and peaceful protests. A recording of Yiannopoulos’ speech might have been a more powerful vehicle for the polarizing figure’s critics, he said. “That moment could have been caught and those would have been the videos that would be viral right now, as opposed to the videos of innocent individuals being attacked,” Sabes mused. As for Trump's veiled threat, UC Berkeley relies heavily on federal funds. In 2015-2016, for example, the university received $370 million in federal funds for reseach grants alone, 55 percent of the overall research funding budget. And according to the National Center for Education Statistics, Cal receives another $76 million in student aid from the federal government ($38 million in Pell Grants and $38 million in federal student loans). California Lt. Gov. Gavin Newsom weighed in on the money issue. Just before 8 a.m. on Thursday, he tweeted: "As a UC Regent, I'm appalled at your willingness to deprive over 38,000 students access to an education because of the actions of a few."

#### Outweighs the 1NC link –

#### alumni donations often go to aspects of the college that aren't key to educational quality like new buildings or sports stadiums, but our evidence proves federal funding is key to the parts of the college that their impact talks about. Federal funding cuts crush innovation and research

Watanabe & Khan 2/3 – bracketed for ableist language [Teresa Watanabe, Amina Khan (reporters), "UC would lose $9 billion for research, healthcare, education if Trump cut federal funds," LA Times, 2/3/2017] AZ

New treatments for genetic diseases. Advances in solar-based sustainable energy. Financial aid for needy students and medical assistance for the elderly. All of that — and much more — is supported by the $9 billion in federal funds given annually to the University of California for research, education and healthcare. Those funds drew widespread public attention Thursday, when President Trump tweeted that UC Berkeley’s federal funds might be at risk after campus officials cancelled an appearance by conservative firebrand Milo Yiannopoulos to safeguard the public from violent protesters. “If U.C. Berkeley does not allow free speech and practices violence on innocent people with a different point of view — NO FEDERAL FUNDS?” Trump tweeted. Legal experts say presidents have no authority to cut off federal funds for alleged violations of the 1st Amendment. Even if they did, pulling funding from UC — the nation’s premier public research university system — would ~~cripple~~ [damage] myriad projects that richly benefit the nation, said Stuart Russell, a computer scientist at UC Berkeley and founding director of the Center for Human-Compatible AI. Paid Post WHAT'S THIS? “For Trump to threaten federal funding, which by the way benefits the country in terms of the scientific research the campus does that helps our defense and helps our industries … seems like the act of a dictator,” he said. According to UC data, the $9 billion in annual federal funding includes: $3 billion in research grants. Nearly four-fifths of the funds are awarded by the National Institutes of Health and the National Science Foundation. UC is the nation’s largest recipient of federal funding for research and related projects, with UC San Francisco, UC San Diego and UCLA receiving the largest grants. $3.5 billion to UC medical centers for Medicare and Medicaid patients. $1.6 billion in financial aid to UC students for federal Pell Grants, work-study awards, graduate fellowships and other grants and scholarships. $800 million to operate the federal Lawrence Berkeley National Laboratory.

#### Federal funding makes up a larger portion of public colleges' budgets. Public schools specifically don't get many donations

AF 12 [Alumni Factor (data mining source and news source on performance of universities across the US), "Alumni Giving," 2012 is the last date cited] AZ

Small schools with high academic standards and a close-knit community do a better job than larger schools in creating an environment where intellectual development can occur and deep friendships can develop – these two factors appear to have the strongest correlation to alumni giving. Graduates of large, publicly funded schools are less likely to donate, since they feel that government already supports their schools. Smaller, private schools more heavily rely upon the donations of alumni, and hence have become skilled at convincing alumni to support them.

#### Non-unique – donations low

Wang 16 [Amy Wang (reporter), "Why alumni donations to Yale and other US colleges are hitting a new low," Quartz Magazine, 2/24/2016] AZ

Some two decades years ago, when asked to give to their alma mater, an enthusiastic 50% of Yale graduates opened their wallets. Last year, roughly 33% did, despite steady increases in university solicitation. Alumni donations are now at their lowest levels in two decades, according to Yale’s Office of Institutional Research. Why? Administrators aren’t sure, but Yale’s president Peter Salovey blames “trends in society today that probably work against participation,” according to the Yale Daily News this week. The problem isn’t limited to Yale. For years, colleges and universities across the US have seen their alumni giving rates decline. One reason is that college graduates face a growing slew of philanthropic options: There are more charities, religious institutions, social groups, and Kickstarter campaigns than one can count, and it’s hard to choose where to put your (finite amount of) money. Schools, especially elite schools with big endowments, can seem less appealing than social justice nonprofits or tech innovations. There’s another possible explanation: College solicitation efforts may be getting totally outdated. A 2014 report from Dan Allenby, founder of the Annual Giving Network and an assistant vice president of annual giving at Boston University, notes that schools still use terminology like “giving back” when most young alums don’t actually feel indebted to their schools. Considering the record level of college debt in the country, “how can we expect alumni to ‘give back’ when they haven’t finished paying the original bill?” Allenby asks.

#### No decrease in alumni donations – prefer survey data over mere anecdotes

Woodhouse 15 [Kellie Woodhouse, "Appeasing the Ones Who Feed You," Slate Magazine, 12/10/2015] AZ

Strauss recalled an institution his firm worked with about a decade ago that was cracking down on its fraternities after a series of troubling incidents. Alumni were contacting administrators expressing frustration with the crackdown, and the university was worried giving would suffer because of alumni concerns. But a survey of 900 alumni found that less than 1 percent of respondents actually said they’d decrease their giving. “They were hearing from all the squeaky wheels,” recalls Strauss, who added that a relatively small proportion of alumni at any institution are substantial donors. It’s the big donors that universities should keep in touch with during times of turmoil on campus.

#### Turn – alumni donors are decreasing support because colleges fail to address censorship –only plan solves alumni backlash by endorsing free speech

Jeremy Willinger 16 [Adminstrator of Heterdox Academy, apolitically diverse group of social scientists, natural scientists, humanists, and other scholars who want to improve our academic disciplines and universities. We share a concern about a growing problem: the loss or lack of “viewpoint diversity.” When nearly everyone in a field shares the same political orientation, certain ideas become orthodoxy, dissent is discouraged, and errors can go unchallenged.], "Protests Rise and Donations Drop: Alumni reactions to campus trends," Heterodox Academy, 8-16-2016, http://heterodoxacademy.org/2016/08/16/protests-rise-and-donations-drop-alumni-reactions-to-campus-trends/, ghs//BZ

Heterodox Academy was founded at a time during which issues of free speech and censorship were playing out on college campuses nationwide. While we appreciated the issues being brought to the table, many of us also marveled at the hostile and exclusionary methods used to bring them into focus. As it turns out, so did many alumni who have since decreased their support to many universities where these protests and requests for censorship were taking place. In a recent New York Times article “College Students Protest, Alumni’s Fondness Fades and Checks Shrink,” Anemona Hartocollis writes about the backlash from alumni as “an unexpected aftershock of the campus disruptions of the last academic year.” More than just a reaction, this is a repudiation of the tactics used by students and of the capitulation by administrators. From the piece: Alumni from a range of generations say they are baffled by today’s college culture. Among their laments: Students are too wrapped up in racial and identity politics. They are allowed to take too many frivolous courses. They have repudiated the heroes and traditions of the past by judging them by today’s standards rather than in the context of their times. Fraternities are being unfairly maligned, and men are being demonized by sexual assault investigations. And university administrations have been too meek in addressing protesters whose messages have seemed to fly in the face of free speech. While the article focuses specifically on Amherst College, it also mentions Princeton, Yale, and Claremont McKenna— all schools that had protests that made the national news. How far has fundraising fallen? Hartocollis reports: Among about 35 small, selective liberal arts colleges belonging to the fund-raising organization Staff, or Sharing the Annual Fund Fundamentals, that recently reported their initial annual fund results for the 2016 fiscal year, 29 percent were behind 2015 in dollars, and 64 percent were behind in donors, according to a steering committee member, Scott Kleinheksel of Claremont McKenna College in California. Important to note are the limited avenues alumni have to truly make their voices heard. Letters to the editor of the alumni magazine and campus paper are but small opportunities in context of how much a monetary gift actually means to the school. Whether this is a temporary drop as a response to trending topics and issues or indicative of a larger, more permanent state of fundraising is yet to be seen. But as we get further away from the initial burst of protests last fall, other stakeholders are beginning to make their voices felt. Alumni in particular-whether they are now on the right or the left—generally endorse free speech and free inquiry quite strongly. They may play an increasingly strong role as we enter the second year of student protests.

### A2 Donors DA – Innovation Turn

#### Free speech on public colleges is a key internal link to scientific discovery --- campus speech restrictions allows for worse forms of coercion that skews data and a culture of open debate is key to advancement

Economist 16 (“Under Attack”, “The Inconvenient Truth”, http://www.economist.com/news/leaders/21699909-curbs-free-speech-are-growing-tighter-it-time-speak-out-under-attack, EmmieeM)

Intolerance among Western liberals also has wholly unintended consequences. Even despots know that locking up mouthy but non-violent dissidents is disreputable. Nearly all countries have laws that protect freedom of speech. So authoritarians are always looking out for respectable-sounding excuses to trample on it. National security is one. Russia recently sentenced Vadim Tyumentsev, a blogger, to five years in prison for promoting “extremism,” after he criticized Russian policy in Ukraine. “Hate speech” is another. China locks up campaigners for Tibetan independence for “inciting ethnic hatred”; Saudi Arabia flogs blasphemers; Indians can be jailed for up to three years for promoting disharmony “on grounds of religion, race. . .caste. . .or any other ground whatsoever”. The threat to free speech on Western campuses is very different from that faced by atheists in Afghanistan or democrats in China. But when progressive thinkers agree that offensive words should be censored, it helps authoritarian regimes to justify their own much harsher restrictions and intolerant religious groups their violence. When human-rights campaigners object to what is happening under oppressive regimes, despots can point out that liberal democracies such as France and Spain also criminalize those who “glorify” or “defend” terrorism, and that may Western countries make it a crime to insult a religion or to incite racial hatred. One strongman who has enjoyed tweaking the West for hypocrisy is Recep Tayyip Erdogan, president of Turkey. At home, he will tolerate no insults to his person, faith, or policies. Abroad, he demands the same courtesy – and in Germany he has found it. In March a German comedian recited a satirical poem about him “shagging goats and oppressing minorities” (only the more serious charge is true). Mr. Erdogan invoked an old, neglected German law against insulting foreign heads of state. Amazingly, Angela Merkel, the German chancellor, has let the prosecution proceed. Even more amazingly, nine other European countries still have similar laws, and 13 bar insults against their own head of state. Opinion polls reveal that in many countries support for free speech is lukewarm and conditional. If words are upsetting, people would rather the government or some other authority made the speaker shut up. A group of Islamic countries are lobbying to make insulting religion a crime under international law. They have every reason to expect that they will succeed. So it is worth spelling out why free expression is the bedrock of all liberties. Free speech is the best defense against bad government. Politicians who err (that is, all of them) should be subjected to unfettered criticism. Those who hear it may respond to it; those who silence it may never find out how their policies misfired. As Amartya Sen, a Nobel laureate, has pointed out, no democracy with a free press ever endured famine. In all areas of life, free debate sorts good ideas from bad ones. Science cannot develop unless old certainties are queried. Taboos are the enemy of understanding. When China’s government orders economists to offer optimistic forecasts, it guarantees that its own policymaking will be ill-informed. When American social-science faculties hire only left-wing professors, their research deserves to be taken less seriously. The law should recognize the right to free speech as nearly absolute. Exceptions should be rare. Child pornography should be banned, since its production involves harm to children. States need to keep some things secret: free speech does not mean the right to publish nuclear launch codes. But in most areas where campaigners are calling for enforced civility (or worse, deference) they should be resisted. Blasphemy laws are an anachronism. A religion should be open to debate. Laws against hate speech are unworkably subjective and widely abused. Banning words or arguments which one group finds offensive does not lead to social harmony. On the contrary, it gives everyone an incentive to take offence – a fact that opportunistic politicians with ethnic-based support are quick to exploit. Incitement to violence should be banned. However, it should be narrowly defined as instances when the speaker intends to goad those who agrees with him to commit violence, and when his words are likely to have an immediate effect. Shouting “Let’s kill the Jews” to an angry mob outside a synagogue qualifies. Drunkenly posting “I wish all the Jews were dead” on an obscure Facebook page probably does not. Saying something offensive about a group whose members then start a riot certainly does not count. They should have responded with words, or by ignoring the fool who insulted them. In volatile countries, such as Rwanda and Burundi, words that incite violence will differ from those that would do so in a stable democracy. But the principles remain the same. The police should deal with serious and imminent threats, not arrest every bigot with a laptop or a megaphone. (The governments of Rwanda and Burundi, alas, show no such restraint.) Areopagitica online. Facebook, Twitter and other digital giants should, as private organizations, be free to deicide what they allow to be published on their platforms. By the same logic, a private university should be free, as far as the law is concerned, to enforce a speech code on its students. If you don’t like a Christian college’s rules against swearing, pornography and expressing disbelief in God, you can go somewhere else. However, any public college, and any college that aspires to help students grow intellectually, should aim to expose them to challenging ideas. The world outside campus will often offend them; they must learn to fight back using peaceful protests, rhetoric and reason. These are good rules for everyone. Never try to silence views with which you disagree. Answer objectionable speech with more speech. Win the argument without resorting to force. And grow a tougher hide.

### A2 Donors DA – Hartocollis

#### [A2 HARTOCOLLIS] Disproves uniqueness – the evidence cites a spike in protests in 2016 which kills alumni donations

### A2 Donors DA – Onink

#### [A2 ONINK] Answers their link arguments – it says colleges have high endowments since they've diversified their investments in equity and real estate – if that's true, alumni donations aren't key

### A2 Donors DA – 2AR Trump Turn

#### It's feasible – here's a solvency advocate

Rappaport 1/31 [Mike Rappaport (Darling Foundation Professor of Law at the University of San Diego, where he also serves as the Director of the Center for the Study of Constitutional Originalism. Professor Rappaport is the author of numerous law review articles in journals such as the Yale Law Journal, the Virginia Law Review, the Georgetown Law Review, and the University of Pennsylvania Law Review. His book, Originalism and the Good Constitution, which is co-authored with John McGinnis, was published by the Harvard University Press in 2013. Professor Rappaport is a graduate of the Yale Law School, where he received a JD and a DCL), "Protecting Freedom of Speech on College Campuses," Library of Law and Liberty, 1/31/2017] AZ

In a recent post, I discussed the use of left wing institutions by the right. Here I want to discuss a specific idea for promoting a so called right wing idea – protection of free speech on college campuses from violence and other disruption – by using the methods that the left has employed in the past. A common problem on both public and private campuses is that violent and disruptive protesters prevent right wing (and other controversial) speakers from giving speeches and presentations on campuses. In addition to preventing the events from being conducted in an orderly fashion, the threat of these protests sometimes causes schools either to cancel invitations or to refuse to allow invitations in the first place. It is also a common perception, especially of those on the right, that school administrations are not sympathetic to these right wing groups and therefore do not punish or otherwise hold accountable the students who are responsible for these threats and disruptions. How could Congress address this issue? It is not hard to come up with a way – one that is modelled on the institutional mechanisms used by the Department of Education to enforce its understanding of Title IX. Congress could pass legislation supported by the following findings: Free speech on college campuses has been undermined through violence, threats of violence, and the shouting down of speakers. Such actions are inconsistent with the idea of a university and are often illegal under state law, but the universities have failed to sufficiently prosecute such actions or protect speakers. Thus, it is necessary for the government to step in to protect such speech. Congress could provide that any university receiving funds from the government has an obligation to protect freedom of speech on its campus. Schools that receive federal funds have an obligation to have rules against infringements of freedom of speech through violence, threats of violence, and refusals to follow rules that allow speakers uninterrupted time to present their views. Such schools shall undertake to enforce these rules in a diligent manner. At a minimum, schools must take significant efforts to apprehend students who violate these rules, and must at the least record the names of the violators on their records. Schools shall be obligated to suspend for at least one year students who have been determined to have violated the rules more than once. Congress could also require that schools provide annual reports to the Department of Education providing information about the actions undertaken by the school, which events were improperly disrupted, which students were found to have violated the rules, and what penalties were imposed. The Department could also be required to receive complaints from speakers whose presentations were disrupted. Finally, and most importantly, Congress could require that the Department of Education take actions to deny federal funds to schools that violate these rules. These rules would put enormous pressure on schools to start protecting freedom of speech on their campuses. It would no doubt lead to significant resistance from schools, but the threat of a loss of government funds is significant. I should say that I do not necessarily favor such an arrangement. I don’t like a heavy handed federal government micromanaging institutions. But that is what we have already, except it is generally controlled by the left. If that is how our country is going to run, it is worth letting the other side know what its like to be on the receiving end of such heavy handedness.

### A2 Hate Speech DA

#### No link – the plan doesn't overturn speech codes or anti-harassment laws – it only removes free speech zones that restrict student speech to a few areas. That means the aff doesn't increase hate speech since existing regulation of speech would remain in place.

#### I control uniqueness – hate speech and crimes are increasing

Katie Reilly 16, "Racist Incidents Are Up Since Trump's Election. These Are Just a Few of Them," TIME, 11-13-2016, http://time.com/4569129/racist-anti-semitic-incidents-donald-trump/, ghs//BZ

The Southern Poverty Law Center received 200 hate crime reports since Election Day In the days since the presidential election, states across the country have seen increased incidents of racist or anti-Semitic vandalism and violence, many of which have drawn directly on the rhetoric and proposals of President-elect Donald Trump. The Southern Poverty Law Center has counted more than 200 complaints of hate crimes since Election Day, according to USA Today. “Since the election, we’ve seen a big uptick in incidents of vandalism, threats, intimidation spurred by the rhetoric surrounding Mr. Trump’s election,” Richard Cohen, president of the Southern Poverty Law Center told USA Today. “The white supremacists out there are celebrating his victory and many are feeling their oats.”

#### Link turn – the aff promotes protests on campus that change unjust hiring standards or discriminatory policies – for instance, protests may remove racist policies

#### Hate speech restrictions created by those in positions of power are more likely to hurt than help the oppressed.

Glasser 16 Ira Glasser (Former executive director of the American Civil Liberties Union, now president of the board of directors of the Drug Policy Alliance), quoted in “HATE SPEECH IS FREE SPEECH” by Jonothan Haidt, Spiked, 6/12/16, http://www.spiked-online.com/newsite/article/hate-speech-is-free-speech/18444#.WE5XNM6gTds //[LADI](http://www.theladi.org/evidence)

How is ‘hate speech’ defined, and who decides which speech comes within the definition? Mostly, it’s not us. In the 1990s in America, black students favoured ‘hate speech’ bans because they thought it would ban racists from speaking on campuses. But the deciders were white. If the codes the black students wanted had been in force in the 1960s, their most frequent victim would have been Malcolm X. In England, Jewish students supported a ban on racist speech. Later, Zionist speakers were banned on the grounds that Zionism is a form of racism. Speech bans are like poison gas: seems like a good idea when you have your target in sight — but the wind shifts, and blows it back on us.

### A2 Heg DA – Top Level

#### No link – their uniqueness evidence proves that college suppress anti-war activism through means *other* than free speech zones – no increase in anti-war protests

#### No link – they have no ev that anti-war protests would return – Levy is about 70s activism

#### No impact to military hegemony – no correlation between US activism and stability

Fettweis 11 Christopher J. Fettweis, Department of Political Science, Tulane University, 9/26/11, Free Riding or Restraint? Examining European Grand Strategy, Comparative Strategy, 30:316–332, EBSCO

It is perhaps worth noting that there is no evidence to support a direct relationship between the relative level of U.S. activism and international stability. In fact, the limited data we do have suggest the opposite may be true. During the 1990s, the United States cut back on its defense spending fairly substantially. By 1998, the United States was spending $100 billion less on defense in real terms than it had in 1990.51 To internationalists, defense hawks and believers in hegemonic stability, this irresponsible “peace dividend” endangered both national and global security. “No serious analyst of American military capabilities,” argued Kristol and Kagan, “doubts that the defense budget has been cut much too far to meet America’s responsibilities to itself and to world peace.”52 On the other hand, if the pacific trends were not based upon U.S. hegemony but a strengthening norm against interstate war, one would not have expected an increase in global instability and violence. The verdict from the past two decades is fairly plain: The world grew more peaceful while the United States cut its forces. No state seemed to believe that its security was endangered by a less-capable United States military, or at least none took any action that would suggest such a belief. No militaries were enhanced to address power vacuums, no security dilemmas drove insecurity or arms races, and no regional balancing occurred once the stabilizing presence of the U.S. military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in U.S. capabilities. Most of all, the United States and its allies were no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Clinton, and kept declining as the Bush Administration ramped the spending back up. No complex statistical analysis should be necessary to reach the conclusion that the two are unrelated. Military spending figures by themselves are insufficient to disprove a connection between overall U.S. actions and international stability. Once again, one could presumably argue that spending is not the only or even the best indication of hegemony, and that it is instead U.S. foreign political and security commitments that maintain stability. Since neither was significantly altered during this period, instability should not have been expected. Alternately, advocates of hegemonic stability could believe that relative rather than absolute spending is decisive in bringing peace. Although the United States cut back on its spending during the 1990s, its relative advantage never wavered. However, even if it is true that either U.S. commitments or relative spending account for global pacific trends, then at the very least stability can evidently be maintained at drastically lower levels of both. In other words, even if one can be allowed to argue in the alternative for a moment and suppose that there is in fact a level of engagement below which the United States cannot drop without increasing international disorder, a rational grand strategist would still recommend cutting back on engagement and spending until that level is determined. Grand strategic decisions are never final; continual adjustments can and must be made as time goes on. Basic logic suggests that the United States ought to spend the minimum amount of its blood and treasure while seeking the maximum return on its investment. And if the current era of stability is as stable as many believe it to be, no increase in conflict would ever occur irrespective of U.S. spending, which would save untold trillions for an increasingly debt-ridden nation. It is also perhaps worth noting that if opposite trends had unfolded, if other states had reacted to news of cuts in U.S. defense spending with more aggressive or insecure behavior, then internationalists would surely argue that their expectations had been fulfilled. If increases in conflict would have been interpreted as proof of the wisdom of internationalist strategies, then logical consistency demands that the lack thereof should at least pose a problem. As it stands, the only evidence we have regarding the likely systemic reaction to a more restrained United States suggests that the current peaceful trends are unrelated to U.S. military spending. Evidently the rest of the world can operate quite effectively without the presence of a global policeman. Those who think otherwise base their view on faith alone.

#### International restraints preserve American power – this preserves the liberal order while avoiding imperial violence and overreach

Sapolsky et al. ‘9 [Harvey M. Sapolsky is a professor of public policy and organization at MIT. Benjamin H. Friedman is a research fellow in defense and homeland security studies at Cato Institute. Eugene Gholz is an associate professor of public affairs at the University of Texas at Austin. Daryl G. Press is an associate professor of government at Dartmouth College. “Restraining Order: For Strategic Modesty” Fall, http://www.worldaffairsjournal.org/articles/2009-Fall/full-Sapolsky-etal-Fall-2009.html]

**Restraint would offer the opportunity to reinvigorate the foundations of America’s strength. Foreign distractions**, among other causes, **have led the U**nited **S**tates **to neglect its transportation infrastructure**, its **educational system**, its **finances**, **and** its **tech**nology **base**. **If we were to restrain** the **global interventionism** that has become our second nature since the end of World War II, **we could ensure our safety while** preserving our power **to deal** more precisely **with threats that may materialize in an uncertain future.** The first virtue of **a restraint strategy** is that it **husbands American power**. **It acknowledges** both **America’s great strengths—a combination of human and physical resources unmatched in the world—and the limitations of our power,** which is easily dissipated in wasteful attempts to manage global security. **No nation or ideology now menaces American security in the same ways or to the same degree that the Soviet Union** and Communism **did** **during the Cold War**. Instead, **a variety of ethnic, religious, and nationalistic conflicts** oceans away from us **now obsess our policymakers, even though those conflicts have** little to no prospect **of spreading our way**. To be sure, **radical Islamists** have attacked Americans at home and abroad, and while these attackers should be hunted down, they do not pose an existential threat, only a difficult and distracting one. Killing or capturing the criminals who attack Americans makes sense; **trying to fix** the **failed states** they call home **is** hopeless and unnecessary**. The U**nited **S**tates **is safer than ever. The challenge now is staying safe**. The U.S. military is supposed to stand between America and hostile nations, but its **forward deployment** actually **puts our forces between others and their own enemies**. **Alliances** once meant to hold a coalition together against a common foe **now protect foreign nations from adversaries that in most cases have no direct dispute with the U**nited **S**tates. **Although our allies are capable of fending for themselves, the fact that they can take shelter under an American umbrella allows them to defer taking responsibility for their own security**. The United States should now use tough love to get our allies off our security dole. We need to do less so others will do more. Restraint should not be confused with pacifism. Calling for America to come home is different today than it was during the Cold War, when there was a world to lose. Today it is not a call for capitulation or disarmament, though it does provide an opportunity for force reductions. The restraint strategy requires a powerful, full-spectrum, and deployable military that invests heavily in technology and uses realistic training to improve capabilities and deter challenges. Restraint demands a military with a global reach that is sparingly used. Similarly, restraint is not isolationism. **Isolation avoids economic and diplomatic engagement and eschews potential profits from the global economy and the enrichment that sharing ideas and cultures can offer**. The United States would be foolish to decline these opportunities. **Restraint does not mean retreating from history, but merely ending U.S. efforts to try to manage it. Restraint would rebalance global responsibilities among America and its allies, match our foreign objectives to our abilities, and put domestic needs first**.

### A2 Heg DA – Readiness Impact

#### Readiness low

Scarborough 16 [Rowan Scarborough (reporter) "U.S. military’s ability to fight major overseas war in doubt," Washington Times, 3/27/2016] AZ

Beneath the positive press the military receives for preparing to mold women into the nation’s first female ground warriors this year, there is another story far more basic to war fighting. Some lawmakers are warning that budget cuts, a troop drawdown and a decade and a half of wars have created spotty combat readiness, overburdened forces, more fatal accidents and beat-up weapons. Weeks of congressional testimony from the top brass on next year’s $524 billion defense budget shows that many Army brigades and Air Force squadrons are less ready. The Marine Corps lacks sufficient aircraft to fully train pilots. The Army and Marine Corps can wage small wars but doubt they can meet the demands of a major conflict against, say, China or Russia, in a time frame called for in official military strategy. After this sober news, the House Armed Services Committee sounded the alarm: “Concerns are growing louder and more frequent about the real-life consequences of cuts to personnel, training, equipment and other military resources as the security situation around the world becomes more precarious by the day.” Rep. Mac Thornberry, Texas Republican and committee chairman, issued scary statistics. The Marine Corps’ major, or “Class A,” accident rate has shot up from an average of 2.15 per 100,000 flying hours to 3.96. “We track this very closely, and the simple fact is that we don’t have enough airplanes to meet the training requirements for the entire force,” said Gen. Robert Neller, Marine commandant. “The force that’s deployed is trained “Our ability to meet other regional requirements for major contingency plans, we would build to do that, but we would probably not be able to do it within the time frame that the current plans call for us to arrive to participate in that conflict,” Gen. Neller said. Gen. Mark Milley, Army chief of staff, said rotary pilots need a minimum of 14 flying hours a month to stay sharp but are getting only 10 hours. Meanwhile, the Army’s major accident rates are increasing. “It does have our concern,” he testified. “Our aircraft accidents have increased, and we’re very concerned about it.” Gen. Milley said the force, cut from more than 490,000 to a planned 450,000, is sufficient for counterterrorism missions in Afghanistan and Iraq. But the overriding strategy of being able to fight a major overseas war is in doubt. “If that were to happen, then I have great concerns in terms of readiness of our force, the Army forces to be able to deal with that in a timely manner,” he said. “I think the cost, both in terms of time, casualties and troops, and the ability to accomplish military objectives would be very significant.” The reason: The overall status of Army Combat Brigade teams to mobilize and deploy has dropped. The Army supplies about 70 percent of troops and equipment requested by combatant commanders and has suffered nearly 70 percent of all war casualties since the Sept. 11, 2001, attacks. “So you’ve got the largest force, the largest demand, the largest stress and the least budget,” he said. Senate Armed Services Committee Chairman John McCain, Arizona Republican, has taken to issuing a readiness report at each service’s budget hearing. He said the Navy’s fleet of 272 ships “is too small to address critical security challenges” and that Navy aircraft carriers, the United States’ show of force around the world, are no longer constantly in the Persian Gulf region because of needed maintenance. “The Marines have a requirement for 38 amphibious ships, but they only have 30 in the fleet,” he said. “And Marine Corps aviation is in crisis. Pilots are not flying. “Each of our military services remains undersized, unready and underfunded to meet current and future threats,” he said. Why the crunch? The overriding factor is the 2011 Budget Control Act that mandated across-the-board cuts and then limited agency spending. Last year’s bipartisan budget agreement provided some relief to the Pentagon — $25 billion. But a congressional aide says it is still $17 billion short for fiscal 2017, which begins Oct. 1. Mr. McCain criticizes President Obama, saying that as commander in chief he should recognize the readiness crisis and ask Congress for more spending. “Instead, the president chose to request the lowest level of defense spending authorized by last year’s budget agreement and submitted a defense budget that is actually less in real dollars than last year, despite the fact that operational requirements had grown,” the senator said.

### A2 Terror DA – HW

#### Off Bernstein – the OSU attack proves that terror attacks are inevitable regardless of terror regulations

#### Link turn – concentrating students in free speech zones opens students to more devastating terror attacks since a single bomb would result in more casualties

#### No link – the Zeiner evidence is purely speculative and says that speech zones offer security personnel an OPPORTUNITY to stop terror attacks on zones, not that colleges do that

#### Zeiner also magnifies aff solvency – if schools securitize free speech zones as potential sites for terrorism, they have greater power to exclude students of color on the basis of "safety," which crushes protests against racism and neolib

#### Off Flanagin – this evidence is severely mistagged – it only says that terrorists abroad target schools for their symbolic value, NOT that attacks on US universities increases terror in other places

#### Off Di Leo – disproves the disad impact since the War on Terror is an alt cause for the link – the US will continue spending on the War on Terror through drone strikes, surveillance, and other forms of counter-terror, which trades off with education anyway

### A2 Terror DA – No Cyber

#### No cyber terrorism—tech complexity, image factor, and accident issue.

Conway 11 — Maura Conway, Lecturer in International Security in the School of Law and Government at Dublin City University, 2011 (“Against Cyberterrorism: Why cyber-based terrorist attacks are unlikely to occur,” *Communications of the ACM*, Volume 54, Number 2, February, Available Online to Subscribing Institutions via ACM Online)

Three Arguments Against Cyberterrorism

In my opinion, the three most compelling arguments against cyberterrorism are:

The argument of Technological Complexity;

The argument regarding 9/11 and the Image Factor; and

The argument regarding 9/11 and the Accident Issue.

The first argument is treated in the academic literature; the second and third arguments are not, but ought to be. None of these are angles to which journalists appear to have devoted a lot of thought or given adequate consideration.

In the speech mentioned earlier, FBI Director Mueller observed "Terrorists have shown a clear interest in pursuing hacking skills. And they will either train their own recruits or hire outsiders, with an eye toward combining physical attacks with cyber attacks." That may very well be true, but the argument from Technological Complexity underlines that 'wanting' to do something is quite different from having the ability to do the same. Here's why:

Violent jihadis' IT knowledge is not superior. For example, in research carried out in 2007, it was found that of a random sampling of 404 members of violent Islamist groups, 196 (48.5%) had a higher education, with information about subject areas available for 178 individuals. Of these 178, some 8 (4.5%) had trained in computing, which means that out of the entire sample, less than 2% of the jihadis came from a computing background.3 And not even these few could be assumed to have mastery of the complex systems necessary to carry out a successful cyberterrorist attack.

Real-world attacks are difficult enough. What are often viewed as relatively unsophisticated real-world attacks undertaken by highly educated individuals are routinely unsuccessful. One only has to consider the failed car bomb attacks planned and carried out by medical doctors in central London and at Glasgow airport in June 2007.

Hiring hackers would compromise operational security. The only remaining option is to retain "outsiders" to undertake such an attack. This is very operationally risky. It would force the terrorists to operate outside their own circles and thus leave them ripe for infiltration. Even if they successfully got in contact with "real" hackers, they would be in no position to gauge their competency accurately; they would simply have to trust in same. This would be very risky.

So on the basis of technical know-how alone cyberterror attack is not imminent, but this is not the only factor one must take into account. The events of Sept. 11, 2001 underscore that for a true terrorist event spectacular moving images are crucial. The attacks on the World Trade Center were a fantastic piece of performance violence; look back on any recent roundup of the decade and mention of 9/11 will not just be prominent, but pictures will always be provided.

The problem with respect to cyber-terrorism is that many of the attack scenarios put forward, from shutting down the electric power grid to contaminating a major water supply, fail on this account: they are unlikely to have easily captured, spectacular (live, moving) images associated with them, something we—as an audience—have been primed for by the attack on the World Trade Center on 9/11.

The only cyberterrorism scenario that would fall into this category is interfering with air traffic control systems to crash planes, but haven't we seen that planes can much more easily be employed in spectacular "real-world" terrorism? And besides, aren't all the infrastructures just mentioned much easier and more spectacular to simply blow up? It doesn't end there, however. For me, the third argument against cyberterrorism is perhaps the most compelling; yet it is very rarely mentioned.

In 2004, Howard Schmidt, former White House Cybersecurity Coordinator, remarked to the U.S. Senate Committee on the Judiciary regarding Nimda and Code Red that "we to this day don't know the source of that. It could have very easily been a terrorist."4 This observation betrays a fundamental misunderstanding of the nature and purposes of terrorism, particularly its attention-getting and communicative functions.

A terrorist attack with the potential to be hidden, portrayed as an accident, or otherwise remain unknown is unlikely to be viewed positively by any terrorist group. In fact, one of the most important aspects of the 9/11 attacks in New York from the perpetrators viewpoint was surely the fact that while the first plane to crash into the World Trade Center could have been accidental, the appearance of the second plane confirmed the incident as a terrorist attack in real time. Moreover, the crash of the first plane ensured a large audience for the second plane as it hit the second tower.

Alternatively, think about the massive electric failure that took place in the northeastern U.S. in August 2003: if it was a terrorist attack—and I'm not suggesting that it was—but if it was, it would have been a spectacular failure.

Conclusion

Given the high cost—not just in terms of money, but also time, commitment, and effort—and the high possibility of failure on the basis of manpower issues, timing, and complexity of a potential cyberterrorist attack, the costs appear to me to still very largely outweigh the potential publicity benefits. The publicity aspect is crucial for potential perpetrators of terrorism and so the possibility that an attack may be apprehended or portrayed as an accident, which would be highly likely with regard to cyberterrorism, is detrimental. Add the lack of spectacular moving images and it is my belief that cyberterrorism, regardless of what you may read in newspapers, see on television, or obtain via other media sources, is not in our near future.

So why then the persistent treatment of cyberterrorism on the part of journalists? Well, in this instance, science fiction-type fears appear to trump rational calculation almost every time. And I haven't even begun to discuss how the media discourse has clearly influenced the pronouncements of policymakers.

### A2 Title IX DA

#### No link – the aff doesn't overturn existing speech codes or sexual harassment policies

#### Restricting free speech on campuses causes slashes in federal funding – Trump proves

Redell 2/2 [Bob Redell, Lisa Fernandez, Rhea Mahbubani, Ian Cull, Raquel Dillon and Scott Budman, "President Donald Trump Takes on UC Berkeley on Twitter: Threatens Federal Funds," NBC Bay Area, 2/2/2017] AZ

The morning after violent protests at the University of California, Berkeley prompted the cancellation of a speech by a controversial Breitbart editor, the president of the United States took on the school — on Twitter. "If U.C. Berkeley does not allow free speech and practices violence on innocent people with a different point of view - NO FEDERAL FUNDS?" Trump tweeted at 12:13 a.m. ET on Thursday. Trump's tweet caused a firestorm frenzy, ranging from whether the university would actually lose millions of dollars, to the sanctity of the First Amendment. Many noted the irony of Berkeley, Calif. being the birthplace of the Free Speech movement in the 1960s. And yet, it was the progressive campus that was full of armed "Ninja-like agitators" who ended up wreaking havoc on the campus and canceling the speech that was to be made by controversial Breitbart editor Milo Yiannopoulos. Berkeley Mayor Jesse Arreguin lambasted those who tried to mar that tradition. "Using speech to silence and promote bigotry is unacceptable. Hate speech isn't welcome in our community," he tweeted. But, in a second tweet, he wrote: "Violence and destruction is not the answer." Cal student Juliana Mora agreed: "We don't stand for that. We don't want to get mixed up with the few bad apples. This is the home of free speech." The free speech movement was forged at UC Berkeley in the 1960s. Bettina Apthekar, among those in the thick of it, was targeted for organizing a peaceful protest against the Nazi party on campus. "Their signs said, ‘Burn Aptheker,’” she recalled. But Aptheker supported the opposing side’s First Amendment rights, and said the university did the right thing by not standing in the way of college Republicans who wanted to invite Yiannapoulos. “We have to hold on to” the principle behind the freedom of speech and expression, she said. “It's too much of a slippery slope once you say this person can't speak." A generation later, David Sabes was a UC Berkeley student faced with a similar dilemma. He said the university should be a venue for different perspectives and peaceful protests. A recording of Yiannopoulos’ speech might have been a more powerful vehicle for the polarizing figure’s critics, he said. “That moment could have been caught and those would have been the videos that would be viral right now, as opposed to the videos of innocent individuals being attacked,” Sabes mused. As for Trump's veiled threat, UC Berkeley relies heavily on federal funds. In 2015-2016, for example, the university received $370 million in federal funds for reseach grants alone, 55 percent of the overall research funding budget. And according to the National Center for Education Statistics, Cal receives another $76 million in student aid from the federal government ($38 million in Pell Grants and $38 million in federal student loans). California Lt. Gov. Gavin Newsom weighed in on the money issue. Just before 8 a.m. on Thursday, he tweeted: "As a UC Regent, I'm appalled at your willingness to deprive over 38,000 students access to an education because of the actions of a few."

#### Funding has never been withdrawn due to Title IX – no risk of a link

Kingkade 14 [Tyler Kingkade (senior reporter), "Colleges Warned They Will Lose Federal Funding For Botching Campus Rape Cases," Huffington Post, 7/14/2014] AZ

Lhamon was speaking at a summit on sexual assault hosted at Dartmouth College, one of the 67 colleges and universities currently under investigation by Lhamon’s agency over concerns that they did not properly handle sexual violence cases. Colleges are required under the gender equity law Title IX to address sexual assault and harassment on campus. The ultimate punishment for a school violating Title IX is a complete loss of federal funding. No disciplinary procedure has ever gone that far, but Lhamon emphasized that the option is always on the table.

#### Non-unique – schools violate Title IX now and enforcement is spotty at best

New 16 [Jake New (Reporter, covers student life and athletics for Inside Higher Ed), "Colleges say the Department of Education's guidance on campus sexual assault is vague and inconsistent," Inside Higher Ed, 2/25/2016] AZ

The Office for Civil Rights has repeatedly found institutions in violation of Title IX for, among other lapses, not expressly stating in their sexual harassment policies that mediation must not be used to resolve complaints of sexual assault. In recent years, the department has found that institutions such as Harvard University, Michigan State University, Tufts University and the State University of New York did not “provide for a prompt and equitable resolution of complaints of sex discrimination, as required by Title IX” by not including in their sexual misconduct policies a statement saying “that mediation of sexual assault complaints is prohibited.” All four institutions were required by the department to include such a statement in their updated policies as part of settlement agreements. The 2011 Dear Colleague letter, however, describes including this statement as a recommendation, not a clear mandate. “In cases involving allegations of sexual assault, mediation is not appropriate even on a voluntary basis,” the guidance states. “OCR recommends that recipients clarify in their grievance procedures that mediation will not be used to resolve sexual assault complaints.” Hartle, of ACE, said these cases point to a contradiction in how the guidance is described and enforced. “I think the challenge that colleges and universities have is the Department of Education is saying a large number of very different things about the guidance and what it means,” he said. “If you’re an institution, you’re not entirely sure what the department’s thinking actually is.”

### A2 Alt-Right DA

#### No link – the aff doesn't reduce restrictions on free speech since the plan only mandates that colleges can't restrict speech to certain zones so

#### Trump disproves uniqueness – the alt-right is already high now – there's only a risk that we reduce it, so the case turns the DA faster

### A2 Revenge Porn DA

#### Their link evidence is vague and uncertain – courts don't know if revenge porn is protected speech

#### No solvency – the CP can't be enforced since colleges don't have jurisdiction over off-campus speech

#### Revenge porn isn't constitutional protected speech

Citron 14 [Danielle Citron (law professor teaching at the University of Maryland Carey School of Law), "Debunking the First Amendment Myths Surrounding Revenge Porn Laws," Forbes Magazine, 4/18/2014] AZ

Disclosing private communications about purely private matters is just the sort of speech referred to in Stevens that has enjoyed less rigorous protection as a historical matter. We do not need a new category of unprotected speech to square anti-revenge porn criminal laws with the First Amendment. Now for the cases establishing that precedent. Smith v. Daily Mail, decided in 1979, addressed the constitutionality of a newspaper’s criminal conviction for publishing the name of a juvenile accused of murder. The Court laid down the now well-established rule that “if a newspaper lawfully obtains truthful information about a matter of public significance then state officials may not constitutionally punish the publication of the information, absent a need to further a state interest of the highest order.” Ever since the Court has refused to adopt a bright-line rule precluding civil or criminal liability for truthful publications “invading ‘an area of privacy’ defined by the State.” Rather the Court has issued narrow decisions that specifically acknowledge that press freedom and privacy rights are both “plainly rooted in the traditions and significant concerns of the society.’”

#### Nonconsensual sex videos aren't free speech – courts agree

Citron 14 [Danielle Citron (law professor teaching at the University of Maryland Carey School of Law), "Debunking the First Amendment Myths Surrounding Revenge Porn Laws," Forbes Magazine, 4/18/2014] AZ

Along similar lines, lower courts have upheld claims for public disclosure of private fact in cases involving the nonconsensual publication of sex videos. In Michaels v. Internet Entertainment Group, Inc., an adult entertainment company obtained a copy of a sex video made by a celebrity couple, Bret Michaels and Pamela Anderson Lee. The court enjoined the publication of the sex tape because the public had no legitimate interest in graphic depictions of the “most intimate aspects of” a celebrity couple’s relationship. As the court explained, a video recording of two individuals engaged in sexual relations “represents the deepest possible intrusion into private affairs.” These decisions support the constitutionality of efforts to criminalize revenge porn. Nude photos and sex tapes are among the most private and intimate facts; the public has no legitimate interest in seeing someone’s nude images without that person’s consent. A prurient interest in viewing someone’s private sexual activity does not change the nature of the public’s interest. On the other hand, the nonconsensual disclosure of a person’s nude images would assuredly chill private expression. Without any expectation of privacy, victims would not share their naked images. With an expectation of privacy, victims would be more inclined to engage in communications of a sexual nature. Such sharing may enhance intimacy among couples and the willingness to be forthright in other aspects of relationships. The fear of public disclosure of private intimate communications would have a “chilling effect on private speech.”

#### Revenge porn isn't protected

Harrison 14 [Anne Harrison, "Revenge Porn: Protected by the Constitution?" The Journal of Gender, Race & Justice, Volume 18, 2014] AZ

Because the anti-revenge-porn criminal statutes at issue are content-based speech restrictions, the State has the burden of showing they meet strict scrutiny. While content-based speech restrictions are presumptively invalid, legal scholars argue that the Supreme Court has held “where matters of purely private significance are at issue, First Amendment protections are less rigorous.” One scholar on the subject posited that such laws are likely to be upheld because the specific nude pictures involved “have nothing to do with public commentary about society.” There is some support for the notion that the laws will be upheld as cyber-stalking laws have not been found to violate the First Amendment.

### A2 GMOs DA

#### Students are neutral on GMOs – no link

Folkerth 15 [Connor Folkerth, "Students’ Knowledge and Opinions Concerning Genetically Modified Organisms: A Survey at University of Colorado Boulder," 2015] AZ

Despite the high amount of concern many of the respondents appeared to exhibit, the most selected attitude toward the production and selling of GMOs in stores was Neutral at 32%. There was then a close tie between respondents Agreeing and Disagreeing at 21% and 22% respectively. The major that had the strongest Disagreeing opinion were the Anthropology majors with half of the participants being against GMOs. The major that had the strongest Agreeing opinion toward GMOs was Biochemistry with 83% of the students agreeing, with Chemistry in second with 70% of their students agreeing. The respondents seem to agree that there are concerns regarding the use and consumption of GMOs, but they also believe there are benefits that can come from GMOs. There are 83% of students that believe GMOs can help produce higher crop yield, 70% that believe there are lower costs by using less pesticides and herbicides, and 59% believe GMOs will help with weather intolerance.

### A2 Cyberbullying DA

#### No link – the aff doesn't increase cyber-bullying since it doesn't remove restrictions on online bullying. The plan only prevents colleges from forcing students to protest or speak out within a particular zone – has nothing to do with online speech.

#### Federal law requires investigation and prosecution of cyberbullying

Stone 13 [Carolyn Stone (pHD in education), "Cyber Bullying: Disruptive Conduct or Free Speech?" 5/1/2013] AZ

The substantial disruption test will continue to burden school officials who have the responsibility of evaluating the level of disruption occurring or that might occur on campus as a result of off-campus online speech. School district officials are obligated under federal law to seek to remedy bullying and harassment that is severe, pervasive and objectively offensive. These statutes do not distinguish between whether bullying happened on or off campus.

#### State laws encompass anti-cyberbullying laws

Donegan 12 [Richard Donegan (Elon University), "Bullying and Cyberbullying:

History, Statistics, Law, Prevention and Analysis," The Elon Journal of Undergraduate Research in Communications, Vol. 3, No. 1, Spring 2012] AZ

Similar to speech and harassment laws at the federal level, individual states continue to wrestle with defining the problem and what legal actions to take when a violation occurs. Unfortunately, it took a number of high-profile cases, and even some suicides, to bring the issue to the attention of many states’ courts and legislatures. One such case revolved around an incident in Missouri during 2006. This case, formally known as United States vs. Lori Drew, involved Drew and her daughter creating a false MySpace account under the alias name “Josh.” The defendants used the account to become friends with the victim, 13-year-old Megan Meier, whom Drew’s daughter attended school with. After becoming friends with Meier, Drew and her daughter started sending hateful comments to her. Meier took these comments to heart and committed suicide. The Missouri district court determined that they could not hold Drew directly accountable for the harassment leading to Meier’s death due to extraneous circumstances and lack of legal encompassment. However, due to public outcry, federal prosecutors took charge by applying the Computer Fraud and Abuse act to the case. This act is typically used to prosecute electronic theft, but in this instance was used to apply the Myspace terms of service. The terms require users to abide by a host of regulations, which “required truthful and accurate registration, refraining from using information from MySpace to harass others [and] refraining from promoting false or misleading information” (“Unites states of America v. Lori Drew,” 2009). Based on MySpace’s terms of service, the jury found Drew guilty of one felony count for conspiracy and three misdemeanors counts for unauthorized computer use. This case caused Missouri to modify its state harassment law to encompass acts of cyberbullying like the Lori Drew case. The law now prohibits any electronic communication that “‘knowingly frightens, intimidates, or causes emotional distress” (Henderson, 2009).

#### Case outweighs

### A2 Trigger Warnings DA

#### No link – getting rid of free speech zones doesn't trade off with trigger warnings or safe spaces for students

#### Trigger warnings sap agency from the oppressed and aren't effective at treating PTSD

Robbins 16 [Susan Robbins (professor of social work at University of Houston), "From the Editor—Sticks and Stones: Trigger Warnings, Microaggressions, and Political Correctness," Journal of Social Work Education, 1/19/2016] AZ

As a profession that increasingly relies on evidence-based practices, it is also important to examine the extant research on trauma treatment. A comprehensive examination of treatment for PTSD has shown exposure therapy to be the most effective intervention for those who have experienced sexual assault. Yet trigger warnings accomplish exactly the opposite by allowing trauma victims to avoid all mention and images related to the trauma, which may in fact have the opposite effect and be reinforcing. In addition, there is sound evidence that reorganizing one’s identity around a traumatic event can exacerbate PTSD and lead to poorer mental health outcomes (McNally, 2014). If we are to foster resilience in our students, trigger warnings may have the opposite effect and keep them embedded in a culture of victimization. Finally, if this trend continues (and I suspect that it will), given the fact that social work education routinely covers most, if not all, the topics that are thought to be triggers, it may be prudent to let applicants to our programs know in advance that such content is mandated by the very nature of our profession. This will allow them to make fully informed choices about entering the field of social work. Permitting students to opt out of lectures or readings to avoid content that may cause discomfort or canceling entire lectures or classes to assuage student fears of emotional distress does a disservice to our students and to the profession.

### A2 Ilaw DA

#### No link – doesn't overturn existing speech codes

#### Limiting hate speech isn't required by international law

Cohen 14 [Roni Cohen (J.D. Candidate, 2015, The University of Chicago Law School), "Regulating Hate Speech: Nothing Customary About It," Chicago Journal of International Law, 2014] AZ

The proliferation of laws prohibiting and punishing hate speech since World War II has raised serious questions concerning the limits of free speech. While all liberal democracies guarantee the freedom of expression as a fundamental human right, the vast majority also restrict speech deemed hateful or racially discriminatory. Similarly, many major international human rights agreements acknowledge free speech as an essential human right, but also limit that right when hateful. This Comment analyzes the current legal landscape surrounding hate speech laws and evaluates domestic and international practice to determine whether the regulation of hate speech has assumed customary international law status. Due to a lack of uniformity among and within states and the absence of opinio juris, or a sense of legal obligation, this Comment concludes that the international practice of restricting hate speech has not yet assumed customary international law status.

#### Turn – free speech is protected by international law

Magnuson 10 [William Magnuson (Associate Professor of Law at Texas A&M University, "The Responsibility to Protect and the Decline of Sovereignty: Free Speech Protection Under International Law," Vanderbilt Journal of Transnational Law, 2010] AZ

1. The Universal Declaration of Human Rights The UN Human Rights Commission, formed in 1946 in the aftermath of World War II, had the express purpose of preparing an international bill of rights that would describe the human rights component of the UN Charter.128 Unsure whether to prepare a declaration or a treaty, it decided to do both: first, a nonbinding declaration, and then a binding convention. 29 In 1948, the General Assembly adopted the Commission's declaration, the Universal Declaration of Human Rights.130 The Universal Declaration sets out individuals' basic civil and political rights, including the rights to life, security of one's person, fair trial, freedom of movement, and freedom of religion and expression.131 With respect to free speech, the Universal Declaration provides, "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."132 This right is not absolute, though. According to the Universal Declaration, countries may place restrictions "solely for the purpose of securing. . . respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."' The Universal Declaration, as an international instrument, has had an unprecedented level of influence on international norms and state practice. While the Declaration was considered nonbinding by some countries when it was adopted, 34 it was generally understood as being truly universal.135 Indeed, the Universal Declaration has achieved such widespread acceptance that one commentator has stated that it has "become a part of the common law of the world community; and, together with the Charter of the United Nations, it has achieved the character of the world law superior to all other international instruments and to domestic laws." 136 Many countries have incorporated the document into their own constitutions,1 7 and many more have based their constitutions' bill of rights on the protections enumerated in the Declaration.1 3 8 2. The International Covenant on Civil and Political Rights Pressed to complete an international bill of rights, the Human Rights Commission decided to draft a binding covenant in addition to the aspirational Universal Declaration of Human Rights. The result, the International Covenant on Civil and Political Rights (ICCPR), shared many of the provisions included in the Declaration but elaborated more fully on them. The ICCPR also included a (limited) mechanism for hearing complaints from individuals regarding violations of the treaty.139 Again, freedom of expression held an exalted position in the demarcation of rights. According to the ICCPR, the right to hold opinions "without interference" was absolute. 140 No restrictions for any reason were permitted. 141 In addition, freedom of expression included the "freedom to seek, receive and impart information of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." 142 The positive content of the freedom of expression was limited by "special duties and responsibilities." 143 Therefore, the exercise of the freedom of expression could be subject to restrictions that were necessary (1) "for respect of the rights or reputations of others" or (2) "for the protection of national security or of public order, or of public health or morals." 144 The individual right of freedom of expression was protected not just from governmental action but also from the actions of individuals.14 5 The inclusion of a reference to "special duties and responsibilities" accompanying the exercise of the freedom of expression was a controversial proposition.14 6 Countries supporting the inclusion of such a clause argued that free speech was a "precious heritage" that held tremendous power in public opinion and international affairs, thus justifying reference to the responsibilities of speakers.147 But other states, including the United States, argued that all rights carry countervailing duties, and thus any specific reference to the duties inherent to free speech was unnecessary.148 In the end, consensus was reached on a clause that provided for special duties and responsibilities but narrowly limited the kinds of restrictions that could be imposed on the right.149 The resulting definition of the right to freedom of expression was surprisingly broad, given the difficulty of getting so many divergent countries to agree on one version.15 0 3. Convention for the Protection of Human Rights and Fundamental Freedoms In the period immediately after the adoption of the Universal Declaration in 1948, many commentators in Europe worried that a binding treaty regarding international human rights would be difficult if not impossible under the auspices of the UN.' 5 ' Driven by the revulsion towards the recently perpetrated abuses of the Nazi regime, the Council of Europe drafted a Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention) designed to make the promises of the Universal Declaration binding on its member states. 152 Today, the European Convention stands as the most successful and robust system to protect human rights in the world. The European Convention created two bodies, the European Commission of Human Rights and the European Court of Human Rights, to ensure that member states comply with their obligations.153 An optional protocol empowers individuals to petition the Commission directly for any alleged violation of their rights under the European Convention. 154 The European Convention's provisions regarding freedom of speech are naturally very similar to those provisions in the ICCPR because both documents are based on the Universal Declaration of Human Rights.155 The one exception is the inclusion of a long list of limitations on the freedom of expression in the European Convention. Article 10 of the European Convention states: 1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.... 2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary. 15 6 The extensive list of restrictions on an individual's right to exercise his freedom of speech stems from the fewer number of participants in the negotiations and the consequently higher level of consensus between member states as compared to the ICCPR.'57 The temporal and geographical closeness of the war created a stronger unity in Europe with respect to this issue.158 The United States itself would not go so far. Indeed, in the ICCPR negotiations the United States was one of the most active proponents of a relatively unrestricted freedom of speech, for the reason that its own jurisprudence was consistent with such a view.159 4. American Convention on Human Rights In 1948, twenty-one countries in Latin America joined together to defend their territorial integrity and promote peace and justice under the Organization of American States.160 In the same year, a few months before the UN adopted the Universal Declaration, they adopted the American Declaration of the Rights and Duties of Man.161 Just as with the Universal Declaration, a subsequent document, the American Convention on Human Rights elaborates upon the extent of the obligations provided for in the American Declaration. 162 The American Convention, like the European Convention, set up an Inter-American Commission on Human Rights to review alleged human rights violations and an Inter-American Court of Human Rights to hear appeals.163 The right to freedom of expression contained in the American Convention is almost identical to that found in the International Covenant. 164 Article 13 of the American Convention states that "[e]veryone has the right to freedom of thought and expression."165 It also prohibits indirect methods of restricting expression, such as unfair allocation of newsprint or broadcasting frequencies, a restriction that applies both to private persons as well as the government.166 On the other hand, it requires states to prohibit war propaganda and advocacy of national, racial, or religious hatred.167 The American Convention's free speech clauses are the most farreaching of any human rights treaty.168 Indeed, the American Court has articulated the view that the American Convention's guarantees of freedom of expression are "more generous" than those guaranteed in the European Convention.169 The treaty's provisions with regard to free speech evince an intent to reduce to the absolute minimum restrictions on the free exercise of speech. 70

#### **Outweighs their** link **– a. international law on hate speech prohibitions isn't binding – that was above, and b. our ev is comparative between restrictions on free speech and the value of expression – the American convention values speech higher**

### A2 Wisconsin Modeling

#### Just one example – doesn't prove every college follows this model

#### Actually, it's a patchwork of different regulations

## NCs

### A2 Hobbes NC

#### On framework –

#### Assumes the initial social contract was legitimate – future generations didn't consent to the sovereign so the contract is no longer binding

#### Birthplace is arbitrary, so any theory based on borders violates the axiom of equality

#### "Contractual necessity" doesn't imply absolute sovereignty – if the government fails to promote the original purpose of the contract, then sedition is permitted

#### On the contention –

#### Speech is a prerequisite to determining if the sovereign is legitimate – denying the value of speech for determining ethics is a performative contradiction since that's exactly what framework debate is.

#### Turn – the highest sovereign in the US is the USFG, not public colleges. Since the Supreme Court has commanded colleges to protect speech, removing restrictions is key to complying with the sovereign.

### A2 Scarsdale Kant NC

#### Their framework assumes that colleges have a consistent intention, which is false:

#### Colleges change administrations

#### Colleges are conglomerates of many administrators and professors with different aims

#### Their frameworks start from the position of equal access which is not actually met, obligating us to correct injustice

Bruenig 14 [(Matt, cites political theorist Charles Mills) “Charles Mills on White Liberalism”] AT

One such methodological assumption, Mills argues, is the assumption that the proper way to philosophize about political justice is through the use of "ideal theory." Under an ideal theory approach to theorizing about politics, the requirements of justice are derived by imagining how best to construct a system from scratch at the beginning of history. You see this ideal theory approach present in theorizing about the "state of nature," the "veil of ignorance", and the "original position" more generally. In all cases, you essentially construct an ideal society at the beginning of time and then use that ideal society to determine the justness of institutions in actually-existing societies and to prescribe ways to make those societies more just. The decision to use ideal theory to ferret out the requirements of justice is not, according to Mills, a neutral one. Instead, it is one that tracks the justice concerns of the white philosophers who comprise the tradition that continues to this day to rely on this method. For white philosophers, expository devices that operationally exclude all of history pose no particular problem. History is largely irrelevant to the kinds of justice concerns that press upon white populations. To the extent that it is relevant, it's only marginally so and therefore easily relegated to an after-the-fact special consideration that is separate from the core theories. This is not the case for non-whites as the ghosts of historical injustices heavily factor into their present justice needs. For these populations, the issues of rectificatory and reparative justice are not secondary issues best treated as footnoted exceptions. Rather, they are center stage. Whereas white philosophers operating in the racially-exclusionary liberal tradition find it most fitting to start with ideal theory and then move on to non-ideal historical problems as a side issue, a less racially-biased philosophical tradition would go in the reverse order. Abstract thought experiments that walled off history (as in ideal theory) would at minimum be replaced with ones that fully included history into their considerations. Instead of asking, as in Rawls, what kind of political institutions people would select at the beginning of time if they didn't know who in that society they'd wind up being, you would ask what kind of institutions those same people would select if they knew the society they would blindly enter into has a legacy of racist oppression that has set the stage for lasting racial disparities. That the liberal tradition continues to select the ideal theory approach to contemplating justice, even as it marginalizes the justice concerns of non-white people, is, according to Mill, a legacy of its racist origins and the philosophical methodologies those origins set in place.

#### No link – the plan doesn't overturn speech codes or anti-harassment laws – only zoning where free speech is allowed

#### Turn – student activism builds collective resistance against racism both on and off campus – that's Curwen – the black power movement, anti-apartheid, and civil rights movement prove

#### Missing internal link to the NC – colleges wouldn't be responsible for hate speech since they don't cause it

### A2 Sedition Bad

#### Revolution is sometimes needed – Kant agrees

Cummiskey 8 [David Cummiskey, "JUSTICE AND REVOLUTION IN KANT’S POLITICAL PHILOSOPHY," Current Trends in American Kantian Scholarship; Cambridge Scholar Publishers 2008] AZ

Although Kant rejects happiness based principles of justice, his theory of justice has a clear consequentialist element. The juridical postulate of practical reason (the duty to make property possible) entails a duty to bring about a state of affairs where reciprocal property rights are determined by and enforced by a united general will. We are to do whatever is necessary, including using violent means, to bring about this juridical state of affairs. Given these consequentialist aspects of Kant’s theory of justice, in principle, it must be permissible to use coercive or violent means to undermine, reform, or remove a regime using coercive power to perpetuate a non-juridical state of affairs. Whether, in any particular circumstance, violent revolutionary activity is also advisable must be determined by difficult, pragmatic, consequentialist considerations. Caution should, of course, rule such decisions. Still, there are unfortunate cases where the calculus is clear and action is called for. Revolution is not only permissible, it is also, regrettably, sometimes required.

#### And, restricting freedom of speech puts the sovereign in contradiction with its supreme authority, undermining the omnilateral will.

Suprenant 15 – bracketed for gendered language Chris W. “Kant on the Virtues of a Free Society” April 7th 2015 <https://www.libertarianism.org/columns/kant-virtues-free-society> JW

The second point is a bit less straightforward. His claim is that a sovereign that outlaws free speech creates a condition where [her] ~~his~~ actions “put [her] him in contradiction with himself.” This language is remarkably similar to what he uses in his moral theory to describe principles that violate the categorical imperative, Kant’s supreme principle of morality. In the Groundwork, Kant claims that when a principle of action fails when tested against the categorical imperative, it fails because something about that principle is contradictory. It may be the case that it is not possible to conceive of the action that comes about as a result of universalizing the underlying principle connected to the action (i.e., a contradiction in conception), or the result of universalizing the principle is self-defeating in some way (i.e., a contradiction in the will). In the case of the sovereign restricting freedom of the press, the contradiction appears to be more practical. Elsewhere Kant argues what justifies sovereign authority is that his actions are supposed to represent the united will of the people (MM 6:313). But a sovereign that denies free speech and otherwise undermines the conditions necessary to maintain a free society has made it impossible to gather the information needed to represent the will of the people appropriately. In this way, Kant sees any attempt by the sovereign to limit or otherwise suppress the free exchange of ideas, and, in particular, the exchange of ideas among the educated members of society (e.g., academics), as undermining his own authority.

#### Seditious speech promoting substantive evil can be restricted

CRF no date [Constitutional Rights Foundation, A "Clear and Present Danger"] AZ

Thus, according to Justice Douglas, "freedom of speech, though not absolute, is protected against censorship or punishment unless shown likely to produce a clear and present danger of serious substantive evil that rises far above public inconvenience, annoyance or unrest."

### A2 Must Have Trigger Warnings

#### Counterinterpretation – the affirmative does not have to give a trigger warning before [whatever]

#### Trigger warnings sap agency from the oppressed and aren't effective at treating PTSD

Robbins 16 [Susan Robbins (professor of social work at University of Houston), "From the Editor—Sticks and Stones: Trigger Warnings, Microaggressions, and Political Correctness," Journal of Social Work Education, 1/19/2016] AZ

As a profession that increasingly relies on evidence-based practices, it is also important to examine the extant research on trauma treatment. A comprehensive examination of treatment for PTSD has shown exposure therapy to be the most effective intervention for those who have experienced sexual assault. Yet trigger warnings accomplish exactly the opposite by allowing trauma victims to avoid all mention and images related to the trauma, which may in fact have the opposite effect and be reinforcing. In addition, there is sound evidence that reorganizing one’s identity around a traumatic event can exacerbate PTSD and lead to poorer mental health outcomes (McNally, 2014). If we are to foster resilience in our students, trigger warnings may have the opposite effect and keep them embedded in a culture of victimization. Finally, if this trend continues (and I suspect that it will), given the fact that social work education routinely covers most, if not all, the topics that are thought to be triggers, it may be prudent to let applicants to our programs know in advance that such content is mandated by the very nature of our profession. This will allow them to make fully informed choices about entering the field of social work. Permitting students to opt out of lectures or readings to avoid content that may cause discomfort or canceling entire lectures or classes to assuage student fears of emotional distress does a disservice to our students and to the profession.

## to integrate

### A2 T – Content-Based

#### No real distinction between content-neutral and content-based restrictions

Jacobs 3 [Leslie Gielow Jacobs (Professor of Law, University of the Pacific, McGeorge School of Law), "Clarifying the Content-Based/Content Neutral and Content/Viewpoint Determinations," 2003] AZ

Despite the centrality of these two inquiries to free speech doctrine, the means of making the determinations remains murky.5 One problem is that the Court frequently merges the inquiries into whether a government action is content- and/or viewpoint-based. The result in the content-based/content neutral inquiry is that the determination often seems driven solely by viewpoint discrimination concerns. This emphasis in the content-based/content neutral inquiry does not particularly matter, because both content and viewpoint discrimination result in the same level of review. When the Court needs to, it can reiterate that subject matter discrimination, like viewpoint discrimination, is problematic The primary problem with the merger in the content-based/content neutral inquiry is that when the Court must make the content/viewpoint determination, it has left itself no principled basis upon which to tell the different types of government action apart." The result is fractured opinions, differently stated tests, and holdings that can be criticized as outcome-driven. Another problem is that, even when the Court agrees upon a test to make one of the determinations, the Justices have trouble fitting the particular government action within the rule. With respect to the content-based/content neutral inquiry, the majority and dissenting Justices in Turner Broadcasting System, Inc. v. FCC9 agreed to inquire whether a cable television must-carry provision was justified by the content of the regulated speech.' ° The Justices then disagreed on the application of the facts to the law; the majority characterized Congress's desire to preserve local stations as economic" while the dissenters characterized it as aimed at preserving diversity in the television speech market." With respect to the content/viewpoint inquiry, the Court has perceived viewpoint discrimination where the government excludes religious speech from more broad-based aid." In these instances, the Court defines viewpoint discrimination as occurring when the government eliminates some perspectives on a permitted subject matter of discussion. " 4 In other instances, however, where the government's access rules seem to result in the same type of favoritism, the Court has not perceived viewpoint discrimination as occurring." The resulting doctrine is confused and can appear outcome-driven. 1 6 It neither corresponds well with free speech values, nor provides guidance to the lower courts that must struggle to make the crucial doctrinal determinations.

#### Two implications – 1. we meet – even content-neutral regulations collapse into content-based restrictions because the Court evaluates all speech regulations in terms of viewpoint discrimination and 2. reject their interp for arbitrariness – it doesn't set a good limit on the topic since even the Supreme Court is shifty on what exactly constitutes a content-based restriction

#### We meet – zones target some viewpoints

#### We meet – zones reduce speech overall. Their interp is absurd – if the aff removed a ban on ALL speech, that would still be non-topical under their definition because it doesn't help a viewpoint

#### Counterinterp – the aff may remove a content-neutral restriction

#### the standard is ground

### A2 T – Not Conduct

#### No speech/conduct distinction

Ferguson 79 [James Ferguson (Law Clerk to Judge William J. Bauer, United States Court of Appeals for the Seventh Circuit. J.D. 1976, Northwestern), "Scientific Inquiry and the First Amendment," Cornell Law Review, 1979] AZ

The speech-conduct dichotomy does not always provide a useful analytical framework, however, for some forms of conduct are so tightly bound up with protected speech as to warrant a measure of constitutional protection themselves. 37 Indeed,, the Supreme Court has found at least three distinct patterns of activity to merit first amendment protection. First, the Court has long held that certain modes of communication-picketing, marching, distributing handbills-fall within the scope of the first amendment even though such activity is, to some extent, nonverbal conduct.38 Second, the Court has acknowledged that "symbolic acts" such as the wearing of armbands are "closely akin to 'pure speech"' and thus worthy of protection.39 Finally, the Court has recently recognized a third form of conduct with first amendment significance-what might be broadly described as noncommunicative conduct essential to the ability of individuals to engage in free expression. 40 This third category of first amendment activity bears closer examination, for herein lies the basis for the constitutional argument of scientific inquiry.41

#### Standard is aff ground – anything else arbitrarily limits out a huge portion of advantage ground

#### We meet – flyers are written speech and spoken expression within speech zones is clearly speech

#### Extra-T isn't a voting issue – drop the parts of the aff that are conduct and not speech – losing nearly a third of 1AC time is a sufficient deterrent

### discarded/old

#### Student protest combats racial inequality by sparking national dialogue and movements

Curwen 15 [Thomas Curwen, Jason Song and Larry Gordon (reporters), "What's different about the latest wave of college activism," LA Times, 11/18/2015] AZ

Although some of the strategies may seem familiar, it is the speed and the urgency of today's protests that are different. "What is unique about these issues is how social media has changed the way protests take place on college campuses," said Tyrone Howard, associate dean of equity, diversity and inclusion at UCLA. "A protest goes viral in no time flat. With Instagram and Twitter, you're in an immediate news cycle. This was not how it was 20 or 30 years ago." Howard also believes that the effectiveness of the actions at the University of Missouri has encouraged students on other campuses to raise their voices. "A president stepping down is a huge step," he said. "Students elsewhere have to wonder, 'Wow, if that can happen there, why can't we bring out our issues to the forefront as well?'" Shaun R. Harper, executive director of the University of Pennsylvania's Center for the Study of Race and Equity in Education, agrees. The resignation of two top Missouri administrators, Harper said, showed students and athletes around the country that they have power they may not have realized before. The protests show "we're all together and we have the power to make the change we deserve," said Lindsay Opoku-Acheampong, a senior studying biology at Occidental. "It's affirming," said Dalin Celamy, also a senior at the college. "It lets us know we're not crazy; it's happening to people who are just like you all over the country." Celamy, along with other students, not only watched the unfolding protests across the country, but also looked to earlier protests, including an occupation of an administrative building at Occidental in 1968. Echoes of the 1960s in today's actions are clear, said Robert Cohen, a history professor at New York University and author of "Freedom's Orator," a biography of Mario Savio, who led the Free Speech Movement at UC Berkeley in the 1960s. "The tactical dynamism of these nonviolent protests and the public criticism of them are in important ways reminiscent of the 1960s," Cohen said. "Today's protests, like those in the '60s, are memorable because they have been effective in pushing for change and sparking dialogue as well as polarization." Although the targets of these protests are the blatant and subtle forms of racism and inequity that affect the students' lives, the message of the protests resonates with the recent incidents of intolerance and racial inequity on the streets of America. There is a reason for this, Howard said. Campuses are microcosms of society, he said, and are often comparable in terms of representation and opportunity. "So there is a similar fight for more representation, acceptance and inclusion." The dynamic can create a complicated and sensitive social order for students of color to negotiate. "Latino and African American students are often under the belief if they leave their community and go to colleges, that it will be better," Howard said. "They believe it will be an upgrade over the challenges that they saw in underserved and understaffed schools. But if the colleges and universities are the same as those schools, then there is disappointment and frustration." In addition, Howard said, when these students leave their community to go to a university, they often feel conflicted. "So when injustice comes up," he said, "they are quick to respond because it is what they saw in their community. On some level, it is their chance to let their parents and peers know that they have not forgotten the struggle in the community." On campuses and off, Harper, of the University of Pennsylvania center, finds a rising sense of impatience among African Americans about social change. "As a black person, I think black people are just fed up. It's time out for ignoring these issues," he said. While protests in the 1960s helped create specific safeguards for universities today, such as Title IX, guaranteeing equal access for all students to any educational program or activity receiving federal financial assistance, a gap has widened over the years between students and administrators over perceptions of bias. Institutions often valued for their support of free speech find themselves wrestling with the prospect of limiting free speech, but to focus on what is or isn't politically correct avoids the more important issue, Cohen said: whether campuses are diverse enough or how to reduce racism. Occidental student Raihana Haynes-Venerable has heard criticism that modern students are too sensitive, but she argues that subtle forms of discrimination still have a profound effect. She pointed to women making less than men and fewer minorities getting jobs as examples. "This is the new form of racism," she said.

### Cap RC

#### Cap promotes anti-blackness– it's used to excuse inequalities

Wolff 16 [Richard Wolff (professor of economics emeritus at the University of Massachusetts, Amherst, where he taught economics from 1973 to 2008), "How

Yet capitalism's history nonetheless keeps exhibiting both the idea of race and racism. And the evidence marshaled by, among others, Manning Marable in How Capitalism Underdeveloped Black America (1983) certainly documents capitalism's subordination of many African Americans. Do racism and capitalism then support one another as per Malcolm X's famous statement, "You can't have capitalism without racism"? Should we follow Adolph Reed Jr.'s perspective (in his 2013 New Labor Forum article "Marx, Race and Neoliberalism") that sees racism as a "historically specific ideology that emerged, took shape, and has evolved as a constituent element within" capitalism? Answers to these questions emerge from patterns exhibited by capitalism's inequality and instability. Capitalists never could end their system's tendency to generate gross inequality (in wealth and income distributions) nor its instability (in cycles of depression and recession). Both those features of capitalism have contributed to ongoing social injustice and oppositional social movements. Had the heavy burdens of recurring business cycles (periodic unemployment and its multiple consequences) been distributed roughly equally or randomly across societies where capitalism prevailed -- threatening and frightening everyone -- those oppositional movements might well have gathered the broad support needed to consign capitalism to an early demise. However, those burdens were never distributed equally or randomly. Some suffered them disproportionally and repeatedly, resulting in social subordination. Others were relatively privileged, exempted from those burdens partially or totally. Yet, in their struggles to displace slavery and feudalism as societies' prevalent pre-capitalist economic systems, supporters of capitalism had often promised that it would differ from those systems by guaranteeing everyone liberty, equality and brotherhood or solidarity. What capitalism achieved contradicted that promise. The burdens of capitalism's instability fell much harder on employees than employers, and much harder upon some employees than others. Capitalism thus always faced a basic legitimation problem. How could it justify its unequal distributions of income, wealth and the burdens of its systemic instability among the people whose condition of being "free and equal" capitalism was supposed to guarantee? One of the major means of managing this legitimation problem has been an ideology of race (alongside other ideologies centered around concepts such as "productivity" and "meritocracy"). Capitalism repurposed race and racism. By dividing human beings, conceptually and practically, into intrinsically different subgroups, capitalism's defenders could explain and justify why its economic benefits (e.g. the status of employer rather than employee) and burdens (unemployment, poverty etc.) were so unequally distributed (both within countries and globally). Employers, politicians, academics and journalists reinforced the notion that the cause, fault or blame for that unequal distribution lay with racially differentiated characteristics, not with the capitalist system. Certain population groups -- conceived as races -- were deemed underdeveloped, incapable, irrational and/or psychologically disqualified in relation to capitalism's productive rigors. Such presumed inferiority was then offered as an explanation for why people of some races were rarely employers and, among employees, were those last hired and first fired, poorly paid, ghettoized etc. Such races -- often non-whites -- were, in effect, assigned to play the role of shock absorbers in and for capitalist business cycles. They still are: A 2016 report from the University of Illinois, using the racialized differentiations, documents how young people of color in the United States continue to face significantly higher rates of unemployment and lower employment per population ratios than young white people do. In the United States, most white employees have been spared constantly fearing and periodically suffering unemployment and its consequences. A minority of white employees shares the fate of a huge portion of the "shock absorber" races. That fate comprises job insecurity, recurring unemployment and its consequences: loss of skills, job connections and promotions; descent into hopelessness and desperation; turning toward illegal revenue-generating activities; policed into disproportionate incarceration; etc. By concentrating both poverty and the business cycle shock absorber role in certain subgroups of their populations and by using racism to explain that concentration, capitalist societies "manage" the risks attending their tendencies to gross inequality and instability. Some conservatives and right-wingers further legitimate capitalism by reframing their racism. For them "the problem" is that capitalism has not been allowed to work its healing magic -- market discipline -- upon those inferior groups. Misguided social protections, minimum wages, safety nets, welfare etc. have kept them inside a "culture of poverty" defined as recurring unemployment, poverty, social isolation, family instability, incarceration etc. By correcting (i.e. removing) those misguided and counterproductive social protections, capitalism's disciplines would integrate them into prosperity and growth. That this has not happened for most subordinate groups is blamed on the depth of their racialized inferiority and/or the legacy of liberals' imposition of a culture of poverty.

### extra biopower cards

#### The otherizing criminology supported by free speech zones depicts criminals as dangerous enemies to excite fear and support for harsh punishments. Characterization of criminals as “evil” or “dangerous” precludes the possibility of remedial steps to end crime

* Otherizing crime bad bc it prevents humane alternatives/solutions
* Biopolitical bc it views criminology as biological (something that ppl are rather than something ppl do)

Garland 96 [Garland, David, Professor, Centre for Law and Society, University of Edinburgh. "The limits of the Sovereign state strategies of crime control in contemporary society." British journal of criminology 36.4 (1996): 445-471.] SW 2/3/2016

Accompanying these punitive policies is a certain criminology that looks quite different from the criminologies of everyday life that inform the preventive and de-escalating measures described above. Whereas the latter depict the offender as a rational opportunist, little different from his or her victim, the criminology invoked by the punitive strategy is one of essentialized difference. It is a criminology of the alien other which represents criminals as dangerous members of distinct racial and social groups which bear little resemblance to 'us'. It is, moreover, a 'criminology' which trades in images, archetypes and anxieties, rather than in careful analyses and research findings—more a politicized discourse of the unconscious than a detailed form of knowledge-for-powcr.

Punitive policies are premised upon characterizations of offenders as 'yobs', 'predators', 'career criminals', 'sex beasts', as 'evil', 'wicked', or member of an 'underclass' (Coward 1994)—each of these being 'suitable enemies' (Christie 1986) for a ruling culture stressing family values, individual enterprise, and the limits of welfarism, each of them examples of what Mary Douglas terms 'the political uses of danger' (Douglas 1992). In this rhetoric, and in its policy effects, offenders are treated as a different species of threatening, violent individuals for whom we can have no sympathy and for whom there is no effective help. The only practical and rational response to such types is to have them 'taken out of circulation' for the protection of the public, whether by long-term imprisonment, as in the UK, or else by judicial killing, as is increasingly the case in the USA. So, at the same time that shallow-end deviance is defined down, more serious offences are dealt with in a much more punitive manner, with increases in the proportionate use of custody for adult offences and in the average length of prison sentences during the 1980s (see Reiner and Cross 1991: 2-3).

We thus have an official criminology which is increasingly dualistic, increasingly polarized, and increasingly ambivalent. There is a criminology of the self, that characterizes offenders as rational consumers, just like us; and there is a criminology of the other, of the threatening outcast, the fearsome stranger, the excluded and the embittered. One is invoked to routinize crime, to allay disproportionate fears and to promote preventive action. The other is concerned to demonize the criminal, to excite popular fears and hostilities, and to promote support for state punishment. The excluded middle-ground here, is precisely the once-dominant welfarist criminology which depicted the offender as disadvantaged or poorly socialized and made it the state's responsibility—in social as well as penal policy—to take positive steps of a remedial kind. One might say that we are developing an official criminology that fits our social and cultural configuration—one in which amorality, generalized insecurity and enforced exclusion are coming to prevail over the traditions of welfarism and social citizenship.

#### Free speech zones form states of exception, stripping citizens of rights based on their position within a government-defined space

Koch 12 [William Koch (Visiting Assistant Professor at Department of Philosophy, University of North Florida), "Claiming the Camp: Biopolitics and the Occupy Movement," 4/19/2012] AZ

The irony of the moment when governmental power becomes the power to declare a state of exception is that it is precisely the claim to one’s rights that frequently provokes the declaration on the part of government power of a state of exception. So long as one does not seek to practice one’s rights or appeal to the law no state of exception is necessary. However, demand your rights and you take yourself out of the protected classes of the home-owner, consumer or business-person and place yourself in the perpetually endangered, because always open to exception, class of bare-citizen. We see this with the creation of “free speech zones”. Go about your daily business and you might feel that all public spaces in America function as free speech zones. That, indeed, seems to be what the right to a freedom of speech is about. In fact, however, public space is open only to the free speech of consumers. Choose, however, to make an issue of the right to free speech and your very practice of that right becomes the justification for declaring you within a state of exception which limits your right to freedom of speech to a specific area designated by governmental power, usually a fenced off out of the way protest zone. It is by demanding your rights that you become excepted from them. We see this clearly when we consider the Occupy Movement’s practice of occupation. Surely it is any citizen’s rights to walk down Wall St. It is a public street and it is inconceivable that access to it would be denied to a citizen without some pretty hefty justification. The number of citizens wanting to take the stroll and the reason they want to take the stroll do not count as such a hefty justification, while a dangerous gas leak might. But, gather with other citizens and demand one’s right to walk down Wall St. and immediately you face barricades and policy brutality. This is not so surprising, suggests Agamben, as the modern interest in natural rights rides on the back of a strikingly contrary view. If we follow Agamben in looking back at Greek and Roman law we see that the founding action of a city or state consists in setting off the status of community membership from that of a natural living being. To be a citizen is to be something other than, and apart from, simply an existing human being. Biopolitics extends this by governing and structuring subjects existing only within the realm of bare-life rather than simply ignoring, killing or exiling them as would be more common in the ancient context. This carries important connections to the debt crisis as well. Debt crises are not new things, though the form and necessity of debt in consumer society is a unique development. Within the ancient world there were two likely outcomes of the creation of large-scale inescapable debt and each takes the form of a state of exception. Within Mesopotamia, for example ancient Sumerian and Babylonian societies, crushing debt often forced city dwellers to reject city life and leave the boundaries of the community. These self-exiled individuals would then join nomadic communities existing outside the city walls. By doing so they were reduced, at least for a time, to the status of bare-life losing all legal protection and property as well as, from the viewpoint of city culture, facing a life much like that of a wild animal. Alternatively, those inescapably indebted often found themselves reduced to bare-life in being made into slaves, another case of being placed outside the standard boundaries of community and into a state in which they were excepted from standard legal protects, duties and privileges. Within contemporary society the debtor does not generally face debtor’s prison, enslavement or standard exile, and indeed foreclosing the possibility of debtors escaping its social force is a major priority of biopolitics, but instead they face the risk of being placed in the more common state of exception which comes from no longer being functioning consumers. Joblessness, homelessness, and poverty, aside from their many dangers and deprivations, also bring with them a decreased protection from either the abuse of others or the often arbitrary exercise of legal force. The homeless can be herded from place to place, their rights to public space either flat out denied or dramatically limited through ever shifting relocations and baroque regulation. They exist permanently within a state of exception. In this way we see the double edge nature of contemporary rights. They trace out areas of protected freedoms only to the extent that those freedoms are practiced according to the standard biopolitical dictates of consumption, work and minimal debt repayment. Without the prescribed use of these freedoms, however, rights serve rather to isolate and pick out those who have been placed, through choice or unavoidable circumstance, in a state of exception marked by their existence merely as bearers of rights.

#### Free speech zones damage the quality of student discussion

Melchior 16 [Jillian Melchior, "Students, Lawmakers Push to Ban Restrictive Campus ‘Free Speech Zones’" Heat Street, 8/30/2016] AZ

“Designated free speech areas” are actually proliferating on campuses nationwide. At least 70 universities had created some form of free speech zone as of 2013, the last year the Foundation for Individual Rights in Education took a tally. Yet in the past two years, backlash against these restrictive free speech zones has also intensified, with several universities and state legislatures moving to expand rights on campus. “Free speech zones are ironically named, since they send the message that the overwhelming percentage of campus is not open to free speech,” says Ari Cohn, a free speech lawyer with FIRE. “What’s worse is that these free speech zones generally confine students’ exercise of their expressive rights to tiny areas that are often out of sight,” including a gazebo, a basketball court, and even one “in a small patch of grass prone to flooding.” Robin Denny, director of media relations for Clemson, says the free speech zones apply only to people who don’t attend or work at the public University; they were created about a decade ago, partially out of security concerns and partially to ensure outsiders didn’t interrupt class or study. “This is for people who are external to the University. … Students have freedom of expression on campus,” Denny says. But Kyra Palange, the Clemson graduate student who videotaped the exchange between the praying man and the administrator, says she doesn’t agree with the University’s rules. Far from soliciting students as Clemson claims, Palange says, the man was sitting quietly beside a sign inviting students to come pray with him. He never approached them—or even engaged with them unless they initiated contact, she says. “I detest the whole idea of free speech zones,” Palange says. “Because this is a public university that’s funded by taxpayer dollars, someone doing what this man was doing—sitting on campus praying and interacting with students—should not have to get permission. The whole idea of free speech zones implies that there are places where people cannot express their ideas freely, and that’s a very dangerous road to be walking down.” Palange is not alone in her criticism of free speech zones. Since 2014, statehouses in Virginia, Missouri and Arizona have passed legislation banning free speech zones on campus and reaffirming the students’ rights to free speech anywhere. Last month, the University of Colorado Boulder’s student government unanimously passed a resolution calling for administrators to eliminate free speech zones and declare the entire campus protected under the First Amendment. Colton Lyons, the student body co-president, recently said that under current rules, “The free speech zones are so restrictive that only 5 percent of the student body could engage in free speech at one time without scheduling in advance.” Marcus Fotenos, CU Boulder’s other student body co-president, tells Heat Street that student government has had several productive conversations with administration about formalizing these changes. “Limiting speech on campus is completely antithetical to everything that university life stands for,” he says. “Restricting students’ ability to express their ideas freely diminishes the quality of debate and discussion that helps individuals progress in their thoughts and ideas.” At Iowa State University, the student government renamed its free speech zone, calling it “Agora” to avoid misinterpretation. “We don’t have free speech zones; the entire campus is free expression,” said student body president Cole Staudt.

### a2 hate speech cards

#### The right to free speech is indivisible and speech restrictions necessarily spill over. Friedersdorf:

Conor Friedersdorf. The Lessons of Bygone Free-Speech Fights. The Atlantic, 12/10/15. JY.

http://www.theatlantic.com/politics/archive/2015/12/what-student-activists-can-learn-from-bygone-free-speech-fights/419178/

But Professor Gale argued that because their acts weren’t targeted at an individual, and didn’t occur in a place, like a classroom, where students were a captive audience, it wouldn’t run afoul of hostile climate laws. Some of you might have noticed that she deliberately crafted that example as a campus analog of the famous case of **Nazis** who **wanted to march through a town with** many **Holocaust survivors. The ACLU successfully defended their rights to do so.** Why would a group that so frequently champions the rights of marginalized people defend a bigot’s right to behave so abhorrently? The ACLU argued that **“restricting the speech of one group** or individual **jeopardizes everyone’s rights. The same** laws or **regulations used to silence bigots can be used to silence you. And laws that defend free speech for bigots can be used to defend the rights of civil rights workers, anti-war protesters, lesbian and gay activists and others fighting for justice. In 1949, the ACLU defended an ex-priest who had delivered a racist and anti-semitic speech. The legal precedent in that case became the basis for the ACLU’s successful defense of civil rights demonstrators**.” I have never yet seen a critic of the ACLU persuasively respond to that example. In fact, the First Amendment has protected lampooning a member of the religious right by portraying him as having sex with his drunken mother in an outhouse. It has protected putting a crucifix in a jar of urine. It has protected burning an American flag outside a Veteran’s hospital. It would protect a sign that says, “Donald Trump is a fascist asshole,” or “white people are evil and should be shunned.” And, of course, the First Amendment protected the right of Nazis to march in Skokie. With that case in mind, consider how different today’s free-speech conflicts are. There are a lot of thorny debates about the outer limits of the First Amendment. But **today's campus speech debates aren’t about neo-Nazis or hooded klansmen**, any more than America’s torture debate was about a terrorist in Times Square with a ticking timebomb and Jack Bauer on the way with brass knuckles and pliers. **Some students and administrators at public universities are flagrantly violating the First Amendment** over costume parties and student journalists photographing protesters. At private colleges, they are trying to target, suppress, or punish speech that’s neither “fighting words” nor “hate speech” nor “group libel” nor targeted at individuals nor likely to produce serious psychological harm. **20 years ago, opponents of speech codes warned that those with the impulse to suppress any speech were putting us on a slippery slope; that core, protected speech would inevitably be punished or chilled. Today’s campus-speech battles suggest they were correct.**

#### Viewing hate speech as a harm exception creates perverse incentives and justifies broad restrictions, as there is no principled way to determine what speech is harmful. Epstein:

Richard Epstein (professor of law at NYU). “Free Speech and sexual harassment at Yale.” Newsweek. 10/27/16. JY.

But the harm principle contains much built-in ambiguity. It can only be clarified within a complete theory of freedom of speech, which itself must rest upon a comprehensive theory of freedom of human action. At the very least, any speech that involves the threat of force or the use of fraud should be subject to sanction under this principle, given the risk to the autonomy of others. That is why both assault and defamation have long been actionable harms. But by the same token, the harm principle can never be extended to cover cases where one person takes offense at the speech or conduct of other individuals—which is why [flag-burning](https://www.law.cornell.edu/supremecourt/text/491/397), however distasteful to most people, nonetheless receives constitutional protection. That extension of the harm principle, if applied uniformly to all speech acts, means that anyone who takes offense gets the right to sanction, if not veto, the speech of others, at which point no one can speak at all. To forestall this risk, the great principle of toleration requires suspending the use of formal sanctions against disagreeable speech. Failure to follow this principle introduces the most dangerous set of incentives, by allowing any person to magnify his or her own indignation and outrage as a means to assert greater control over the speech of others. The danger of this position is apparent. The broader definition that equates harm with offense can only work if it is selectively applied. Thus protected groups get to complain loudly about the microaggressions against them, but they, in turn, are entitled to venomously attack those with whom they disagree. A culture of free speech and open inquiry cannot long survive using this broad and selective definition of harm.

#### Only a strong norm of content neutrality can protect marginalized voices. Speech restrictions can only solve oppression if there is a public consensus against hate speech. But weakening the norm leads to worse oppression if public opinion shifts. Gates:

Henry Louis Gates (W.E.B. Du Bois Professor of the Humanities at Harvard University, Director of the Hutchins Center for African and African American Research at [Harvard University](https://en.wikipedia.org/wiki/Harvard_University)). “Let Them Talk.” The New Republic. September 20, 1993. JY.

At first blush, this is a surprising claim. After all, if racist speech really were universally rejected, ordinances against it would be an exercise in antiquarianism. And yet there is something in what Matsuda says: **a shared assumption about the weight of the anti-racist consensus**, a conviction that at least overt racists are an unpopular minority, that authority is likely to side with us against them. This hopeful conviction about the magnitude of racist expression in America **provides the hidden** and rather unexpected **foundation for the hate speech movement. Why would you entrust authority with** enlarged powers of **regulating the speech of unpopular minorities, unless you were confident that the unpopular minorities would be racists, not blacks?** Lawrence may know that **racial incidents are never "isolated," but** he must **also** believe them to be **less than wholly systemic.** You don't go to the teacher to complain about the school bully unless you know that the teacher is on your side. **The tacit confidence of critical race theory in the anti-racist consensus** also **enables its criticism of neutral principles**. This becomes clear when one considers the best arguments in favor of such principles. Thus David Coles, a law professor at Georgetown University, suggests that **in a democratic society the only speech government is likely to succeed in regulating will be that of the politically marginalized. If an idea is** sufficiently **popular, a** representative **government will lack the political wherewithal to suppress it**, irrespective of the First Amendment. But **if an idea is unpopular, the only thing that may protect it** from the majority **is a strong constitutional norm of content-neutrality.**

#### This is empirically confirmed- speech restrictions are implemented in racist ways. ACLU:

American Civil Liberties Union. “Hate speech on campus.” Accessed 12/14/16. JY.

Q: Aren't speech codes on college campuses an effective way to combat bias against people of color, women and gays? A: Historically, defamation laws or codes **have proven ineffective at best and counter-productive at worst.** For one thing, depending on how they're interpreted and enforced, **they can actually work against the interests of the people they were ostensibly created to protect**. Why? Because **the ultimate power to decide what speech is offensive** and to whom **rests with the authorities -- the government or a college administration -- not with those who are the alleged victims** of hate speech. **In Great Britain**, for example, **a Racial Relations Act was adopted in 1965 to outlaw racist defamation. But throughout its existence, the Act has largely been used to persecute activists of color, trade unionists and anti-nuclear protesters, while the racists -- often white members of Parliament -- have gone unpunished.** Similarly, **under a speech code** in effect **at the University of Michigan** for 18 months, **white students in 20 cases charged black students with offensive speech**. **One** of the cases **resulted in the punishment of a black student for using the term "white trash"** in conversation with a white student. The code was struck down as unconstitutional in 1989 and, to date, the ACLU has brought successful legal challenges against speech codes at the Universities of Connecticut, Michigan and Wisconsin. These examples demonstrate that speech codes don't really serve the interests of persecuted groups. The First Amendment does. As one African American educator observed: "I have always felt as a minority person that we have to protect the rights of all because if we infringe on the rights of any persons, we'll be next."

#### Attempts to restrict free speech for only whites/other identity group exacerbate racism and codify historical injustices into constitutional law, which harms anti-racist efforts

Byrne 91 [J. Peter Byrne (Associate Professor, Georgetown University Law Center), "Racial Insults and Free Speech Within the University," Georgetown Law Journal, 1991] AZ

Professor Matsuda also argues that only hate speech directed at members of subjugated groups by members of dominant groups forfeits first amendment protection. 56 Thus, while epithets directed at blacks, for example, would be actionable, those directed at whites would not. Although the vulnerability of historically disadvantaged groups has brought racial insults to a new prominence, it seems wrong both pragmatically and in principle to condition first amendment protection or the political positions of the speaker's and target's ethnic groups. Professor Matsuda acknowledges that the linedrawing becomes harder if the hateful speech is directed at the white target's gender, sexual preference, religious affiliation, age, poverty, or handicap. 57 Further confusion exists because Professor Matsuda concedes that a group's status as subjugated can change position over time and in different localities.58 She professes herself unconcerned by the sheer difficulty of such determinations, dismissing concerns with the observation: "The larger question is how anyone knows anything in life or in law. To conceptualize a condition called subordination is a legitimate alternative to denying that such a condition exists." 59 But surely one can acknowledge the reality of social inequality without accepting a legal procedure, backed by the powerful apparatus of criminal prosecution, which determines whether an offended individual belongs to a relevant group that suffers subordination in a certain place and time. Are black males "subordinate" today in Washington, D.C.? How should a court factor the respective views of Asians, women, or Boston black males on this question? Can it be doubted that trials over these issues, the outcome of which will determine whether a member of one of these groups will suffer a criminal penalty, would exacerbate tensions among members of these groups? Such inquiries into relative subjugation would not only be supremely difficult, but they would also be unable to achieve political or constitutional legitimacy. If, as Professor Matsuda urges, legal approaches to hate speech should turn on the experience of the victims qua victims, it is difficult to see how the outcomes can appear to be justified to non-victims. Generally, constitutional rules are justified by reference to some shared (if also disputed) public value, such as equality or the dignity of individuals. Advocates of the prohibition of hate speech would forfeit much to rely on the feeling of historical injustice. Most groups in American society nurse grievances for past wrongs. All racial and ethnic insults imply debasement of the individual through the invocation of the stereotypical vices of his or her group. To elevate some of these insults into constitutional standards but leave others beyond the reach of law denies our common humanity